



PLANNING COMMISSION AGENDA

Room 301, Hall of Records
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Fresno, CA 93721-2198

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AGENDA October 24, 2019

8:45 a.m. - CALL TO ORDER

INTRODUCTION

Explanation of the REGULAR AGENDA process and mandatory procedural requirements. Staff Reports are available on the table near the room entrance.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

Items listed under the Consent Agenda are considered to be routine in nature and not likely to require discussion. Prior to action by the Commission, the public will be given an opportunity to comment on any consent item. The Commission may remove any item from the Consent Agenda for discussion.

There are no consent agenda items for this hearing.

REGULAR AGENDA

1. **PUBLIC PRESENTATIONS** (This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter within the Commission's jurisdiction and not on this Agenda.)
2. **INITIAL STUDY APPLICATION NO. 7649** and **UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3653** filed by **THE TERMO COMPANY**, proposing to allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 160-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of West Mount Whitney Avenue, approximately 2,620 feet west of its intersection with South Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7649, and take action on Unclassified Conditional Use Permit Application No. 3653 with Findings and Conditions.

-Contact person, Ejaz Ahmad (559) 600-4204, email: eahmad@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

3. **VARIANCE APPLICATION NO. 4078** filed by **RAY REMY**, proposing to allow the creation of two 2.23-acre parcels from an existing 4.46-acre legal non-conforming parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the southeast corner of South Frankwood and East Jefferson Avenues, approximately two and one half-miles north of the nearest city limits of the City of Reedley (5530 South Frankwood Avenue) (SUP. DIST. 4) (APN 360-130-01).

-Contact person, Jeremy Shaw (559) 600-4207, email: jshaw@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

4. **VARIANCE APPLICATION NO. 4068** filed by **STEVEN OHANESIAN**, proposing to allow reduction of the side-yard setback to 3 feet (10-foot minimum required) and rear-yard setback to 8 feet 7 inches (20-foot minimum required) for an existing unpermitted 330 square-foot accessory housing unit, recognize the 7-foot side-yard setback for the existing single-family dwelling, and waive the maximum lot coverage to increase lot coverage to 36.3% (30% maximum allowed) on a 9,583 square-foot parcel in the R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District. The project site is located on the south side of East Kings Canyon Road, approximately 420 feet east of its nearest intersection with South Sunnyside Avenue, in a County island within the city limits of the City of Fresno (5848 E. Kings Canyon Road) (SUP. DIST. 5) (APN 474-042-11).

-Contact person, Thomas Kobayashi (559) 600-4224, email: tkobayashi@fresnocountyca.gov

-Staff Report Included

-Individual Noticing

5. **INFORMATION/DISCUSSION ITEM:**

Report from staff on prior Agenda Items, status of upcoming Agenda, and miscellaneous matters.

-Contact person, Marianne Mollring (559) 600-4569, email: mmollring@fresnocountyca.gov

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-4497 or at knovak@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 2 October 24, 2019

SUBJECT: Initial Study Application No. 7649 and Unclassified Conditional Use Permit Application No. 3653

Allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).

OWNER: DLM Partners
APPLICANT: The Termo Company

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Adopt the Mitigated Negative Declaration prepared for Initial Study (IS) Application No. 7649; and
- Approve Unclassified Conditional Use Permit (CUP) No. 3653 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Mitigation Monitoring, Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plan/Floor Plan/Elevations
6. Applicant’s Submitted Operational Statement
7. Summary of Initial Study Application No. 7649
8. Draft Mitigated Negative Declaration

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	156.2 acres	No change
Project Site	Uncultivated Farmland	Up to three exploratory petroleum oil and natural gas wells with the possibility of related oil production facility on a 1.79-acre portion of a 156.2-acre parcel
Related Structural Improvements	None	<p>Drilling and Testing Phase:</p> <ul style="list-style-type: none"> • 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers <p>Production Phase:</p> <ul style="list-style-type: none"> • 29.3-foot-tall pumping unit, 20- to 25-foot-tall oil and water storage tanks, pumping unit, wellhead,

Criteria	Existing	Proposed
		crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, emergency flare
Nearest Residence	Approximately 3,600 feet east of the proposed drill site	No change
Surrounding Development	Farming and agricultural operations	No change
Operational Features	N/A	<ul style="list-style-type: none"> • Site Preparation Phase: Requires five days for the construction of the earthen drilling pad to establish a solid foundation for drilling rig. • Drilling Phase: Requires 25 days per well, 24 hours each day, for well drilling activities. • Completion and Testing Phase: Requires 10 days, 10 hours each day, for the production testing and completion. • Production Phase: Requires 45 to 60 days for the construction phase of the production facility. <p>If no oil and gas discovered in economically viable amounts, the site will be restored to farmland by plugging and abandoning all wells in accordance of California Code of Regulations</p>
Employees	N/A	<ul style="list-style-type: none"> • 7 to 15 during drilling and testing phase • 1 to 2 during production phase
Customers or Visitors	N/A	3 to 5 visitors per week
Traffic Trips	N/A	During the pre-drilling phase:

Criteria	Existing	Proposed
		<ul style="list-style-type: none"> • 18 one-way (9 round trips) passenger car/truck trips <p>During the site preparation phase</p> <ul style="list-style-type: none"> • 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips <p>During the drilling phase</p> <ul style="list-style-type: none"> • 90 one-way (45 round trips) passenger car/heavy duty truck trips <p>During the completion/testing and production phase:</p> <ul style="list-style-type: none"> • 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips
Lighting	N/A	Lighting of the 1.79-acre drill pad during nightly operations
Hours of Operation	N/A	24 hours per day for the life of the project

ENVIRONMENTAL ANALYSIS:

An Initial Study (IS) was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the IS, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is below and included as Exhibit 7.

Notice of Intent to Adopt a Mitigated Negative Declaration publication date: September 20, 2019

PUBLIC NOTICE:

Notices were sent to four (4) property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

An Unclassified Conditional Use Permit (CUP) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

The decision of the Planning Commission on an unclassified CUP application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

This proposal entails drilling of three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. Through initial testing, if the initial well is determined to have economic production potential, a permanent oil production facility will be established on the property. Part of this establishment involves installation of a 29.3-foot-tall pumping unit, 20- to 25-foot-tall oil and water storage tanks and transporting the oil off site via tanker trucks. If natural gas is found in commercial quantities, a separate Use Permit will be required to allow for the transport of the gas to an offsite location via an underground pipeline system.

If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

Amenities to be used during drilling operation include a 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers. Likewise, amenities to be used during oil production include a pumping unit, wellhead, crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, and an emergency flare.

Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Drill Pad: Front (south property line): over 35 feet Side (east property line): 20 feet Side (west property line): over 20 feet Rear (north property line): over 20 feet	Yes
Parking	No requirement	Onsite employee parking within the drilling pad area	N/A
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	Six-foot minimum	N/A	N/A
Wall Requirements	No requirement	N/A	N/A
Septic Replacement Area	100 percent for existing system	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Zoning Section of the Fresno County Department of Public Works and Planning: The subject proposal satisfies the building setback requirements of the AE-20 Zone District.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

Staff review of the Site Plan indicates that the proposed facilities meet the minimum building setback requirement of the AE-20 Zone District. All improvements will be set back over 35 feet from the south boundary, 20 feet from the east boundary, and over 20 feet from the west boundary and north boundary of the site. Staff finds that adequate area is available on the 156.2-acre project site to accommodate the 1.79-acre drill pad with apparatus required of the drilling operation and production facility.

Based on the above information, staff believes the project site is adequate in size and shape to accommodate the proposal.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Fresno-Coalinga Road (State Route 145); good condition	No change
Direct Access to Public Road	Yes	Fresno-Coalinga Road (State Route 145); good condition	No change
Road ADT (Average Daily Traffic)		Unknown (State Route 145)	No change

		Existing Conditions	Proposed Operation
Road Classification		Unknown (State Route 145)	No change
Road Width		Unknown	No change
Road Surface		Asphalt concrete paved	No change
Traffic Trips		N/A	<p>During the pre-drilling phase:</p> <ul style="list-style-type: none"> • 18 one-way (9 round trips) passenger car/truck trips <p>During the site preparation phase</p> <ul style="list-style-type: none"> • 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips <p>During the drilling phase</p> <ul style="list-style-type: none"> • 90 one-way (45 round trips) passenger car/heavy duty truck trips <p>During the completion/testing and production phase:</p> <ul style="list-style-type: none"> • 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips
Traffic Impact Study (TIS) Prepared	No	N/A	No TIS required by the Design Division of the Fresno County Department of Public Works and Planning or the California Department of Transportation
Road Improvements Required		Mount Whitney Avenue; good condition	Not required

Reviewing Agency/Department Comments:

California Department of Transportation: The following shall be required as Conditions of Approval: a Transportation Management Plan (TMP), as the trips for drilling activity may impact the peak hours; an encroachment permit if a TMP is needed; repair and replacement of any damaged pavement at the site access; and cleaning of roadways from construction activities. Further, construction of shoulder backing at the site access shall require an encroachment permit.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Analysis:

Located in the southeast corner of the 156.2-acre project site, the drill pad will gain access via an existing access point off Fresno-Coalinga Road (State Route 145).

The California Department of Transportation (Caltrans) reviewed the proposal and requires a Transportation Management Plan (TMP) if traffic trips generated by the drilling activities impact the peak hours. Caltrans also requires an encroachment permit if a TMP is needed, repair and replacement of any damaged pavement at the site access, cleaning of roadways from construction activities, and construction of shoulders backing at the site access, all of which have been included as Conditions of Approval for the project.

Based on the above discussion and adherence to the Conditions of Approval, staff believes Fresno-Coalinga Road (State Route 145) will remain adequate to accommodate the proposal.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 2 can be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	156.2 acres	Farmland	AE-20	None
South	156.2 acres	Farmland	AE-20	None
East	277.9 acres	Farmland	AE-20	3,600 feet
West	417 acres	Farmland	AE-20	None

Reviewing Agency/Department Comments:

Fresno County Agricultural Commissioner Office: The Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development.

Site Plan Review Unit of the Fresno County Department of Public Works and Planning: All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.

The aforementioned requirements have been included as Conditions of Approval.

San Joaquin Valley Air Pollution Control District (Air District): The Applicant shall consult with the Air District for any Air District rules that may apply to the project.

The Fresno County Department of Public Health, Environmental Health Division: Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR): Physical access to all onsite oil and gas wells shall be maintained and all oil and gas wells shall be abandoned in compliance with DOGGR regulations. DOGGR shall immediately be consulted prior to the commencement of any work to uncover a known abandoned well and/or upon finding any unrecorded well. Soil testing and reverification of any contamination found for the one known abandoned oil and gas well located within the project boundary shall be conducted (the well may have had a mud pit/drilling sump associated with drilling operation). Any soil containing significant amounts of hydrocarbons shall be disposed in accordance with local, state and federal laws. No well work shall be performed without written approval/appropriate permit from the Division of Oil, Gas, and Geothermal Resources.

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2850J, portions of the subject parcel are located in Zone A and are subject to flooding from the 100-year storm. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48). Onsite turnarounds shall be provided for vehicles leaving the site to enter State Route 145 in a forward motion. An Engineered Grading and Drainage Plan and a grading permit may be required for any grading proposed with this application.

Westlands Water District: Provide a hazardous material spill prevention and response plan in the event a spillage occurs during or after the production phase. Contact Underground Service Alert prior to construction.

Zoning Section of the Fresno County Department of Public Works and Planning: A building permit shall be required for the use of temporary mobile office on the property.

The aforementioned requirements have been included as Project Notes.

Design, Road Maintenance and Operations, and Water and Natural Resources Divisions of the Fresno County Department of Public Works and Planning; Table Mountain Rancheria, Tribal Government Office; Santa Rosa Rancheria Tachi Yokut Tribe; Picayune Rancheria of the Chukchansi Indians; Central Valley Regional Water Quality Control Board; Fresno County Fire

Protection District; State Water Resources Control Board, Division of Drinking Water: No concerns with the proposal.

Analysis:

This proposal entails drilling of up to three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. If exploratory drilling is not successful, the wells will be plugged and abandoned in compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) regulations. If oil is discovered in economically viable amounts, a permanent oil production facility will be established on the subject 1.79-acre drill pad.

With regard to the drilling and testing phase of the proposal, a 158-foot-tall drilling rig will operate 24 hours per day for 25 days to drill the first exploratory well. If oil or gas is not discovered in commercial quantities, the well will be plugged and abandoned in compliance with DOGGR regulations, and the Applicant will drill two more exploratory wells. Each of these two subsequent exploratory wells would utilize the same 158-foot-tall drilling rig that was used to drill the first exploratory well. As with the first exploratory well, the drilling rig would be operated 24 hours per day for up to 25 days for each of the two subsequent exploratory wells. If oil or gas is not discovered in economically viable amounts, the subsequent exploratory wells would be plugged and abandoned in compliance with DOGGR regulations.

Each of the three exploratory wells would have a wellhead, a driller's house, draw-works, and catwalk. Support facilities shared among all three exploratory wells include a catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, temporary travel trailers and employee parking.

Depending upon the amounts of oil discovered, the Applicant might utilize one or more of the three exploratory wells for production. The production phase will require all wells to have 29.3-foot-tall pumping units and onsite piping to connect the pumping units to production facilities. The production facilities also include construction of oil and water storage tanks.

The subject parcel is located in an agricultural area marked by relatively large parcel size with sparse residential development. The unincorporated community of Five Points is located approximately one half-mile east of the drill site. The nearest single-family residence in Five Points is approximately 3,600 feet and the other non-residential developments in the area are approximately 2,654 feet to 3,000 feet from the drill site.

The subject parcel fronts on Mount Whitney and Trinity Avenues. Fresno-Coalinga Road (State Route 145) runs in a northeast and southwest direction near the drill site. These roadways are not designated as scenic roads or highways in the County General Plan and no scenic vistas or scenic resources were identified in the analysis. Given the project area consists of large agricultural fields (156 acres and over) with limited development, the 29.3-foot-tall pumping unit and 20- to 25-foot-tall oil and water storage tanks will not significantly change the visual characteristics of the area.

The Initial Study prepared for this project identified potential impacts related to aesthetics, agricultural and forestry resources, cultural resources, and energy. Regarding aesthetics, all lighting will be hooded and directed downward toward the base of the rig to minimize potential glare, and the drilling tower will be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands. Regarding agricultural and forestry resources, upon cessation of the

drilling or production phase, the 1.79 acres will be returned to the original agricultural condition. Any cultural resources unearthed during ground-disturbing activities will require all work to be halted and an archeologist be called to evaluate the findings. Regarding energy, the idling of onsite vehicles and equipment will be avoided to reduce consumption of energy during well drilling or production operations. These requirements have been included as Mitigation Measures.

Potential Impacts related to air quality, geology and soils, hazards and hazardous materials, and hydrology and water quality will be less than significant. The project will comply with the Air District’s applicable rules, obtain grading permits or vouchers for any grading activities; handle all hazardous material according to the state and local requirements; abandon all onsite oil and gas wells in accordance with Division of Oil, Gas, and Geothermal Resources (DOGGR) regulations; perform all well work with written approval from DOGGR; and destroy all abandoned agricultural wells on the property according to the federal, state and local government requirements. These requirements have been included as Project Notes.

The project site is not located within any area designated to be highly or moderately sensitive for archeological resources. Per Assembly Bill 52 (AB52), participating Native American Tribes were provided the opportunity to review and enter consultation with the County regarding the project proposal. A response received from the Santa Rosa Rancheria Tachi Yokut Tribe expressed concerns with the project’s impact on tribal cultural resources and requested that their suggested Mitigation Measures regarding Tribal Monitoring be included in the project. Although no documents or evidence were provided by the Tribe that would suggest the presence of tribal cultural resources on the project site, Mitigation Measures noted in Section V. CULTURAL RESOURCES and TRIBAL CULTURAL RESOURCES of the Initial Study prepared for the project (Exhibit 7) are included in the project. Mitigation Measures will mitigate any impact on the tribal cultural resources.

Based on the above information and with adherence to the Mitigation Measures, recommended Conditions of Approval, and Project Notes for mandatory requirements, staff believes the project will not have an adverse effect upon the surrounding neighborhood.

Recommended Conditions of Approval:

See Mitigation Measures, recommended Conditions of Approval, and Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
General Plan Policy OS-C.13: The County shall require a special permit for oil and gas activities and facilities due to their potential adverse effects on surrounding land or land uses.	The extraction of petroleum oil and natural gas is permitted on agricultural land in Fresno County with the approval of an Unclassified Conditional Use Permit. The subject Use Application, if approved, will satisfy that requirement. The project is consistent with the subject policy.

Relevant Policies:	Consistency/Considerations:
General Plan Policy OS-C.17: County shall require timely reclamation of oil and gas development sites upon termination of such activities to facilitate the conversion of the project site to its primary land use as designated by the General Plan.	A mitigation Measure included in the project would require that upon terminating activities related to reclamation of oil and gas development, the project site shall be converted to its primary land use as designated by the General Plan. The project is consist with this policy.
General Plan Policy OS-C.20: County shall not allow any building intended for human occupancy to be located near any active petroleum well unless suitable safety and fire protection measures and setbacks are approved by the local Fire District.	The nearest urban development in the town of Five Points is approximately one half-mile east of the drill site. Given the distance, the project poses no significant and immediate fire hazard to the public. No concerns related to fire hazard were express by the Fire Department.
General Plan Policy HS-B.1: County shall review project proposals to identify potential fire Hazards and to evaluate the effectiveness of preventative measures to reduce the risk to life and property	This proposal was routed to the Fresno County Fire Protection District which identified no potential fire hazard related to the project.
General Plan Policy HS-F.1 County shall require that facilities that handle hazardous materials or hazardous waste be designed, constructed and operated in accordance with applicable hazardous material and waste management laws and regulations.	The project will adhere to the federal and state requirements relating to the handling and management of hazardous materials as noted in Finding 3 of this report.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The project site is designated Agriculture in the General Plan. Policy OS-C.13 requires a special permit for exploratory oil and gas drilling due to the potential for adverse effects on surrounding land uses. Policy OS-C.17 requires timely reclamation of oil and gas development sites and timely conversion of the project site to its primary land use upon termination of the use. Policy OS-C.20 and HS-B.1 requires evaluation of fire hazards related to the project for human occupancy by the local Fire District. Policy HS-F.1 requires hazardous materials or hazardous waste be designed, constructed and operated in accordance with applicable hazardous material and waste management laws and regulations. The subject parcel is enrolled in the Williamson Act (Contract No. 561).

Analysis:

The subject property is designated Agriculture in the County General Plan and zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. This proposal is consistent with the General Plan Policies as discussed above.

Concerning consistency with Policy OS-C.13, the Applicant has requested approval of the proposed use through the subject discretionary land use application and associated environmental

analysis (Initial Study). Concerning consistency with Policy OS-C.17, a Mitigation Measure requires that all drilling equipment be removed and the project site returned to its primary land use designation in the General Plan within 90 days of termination of the drilling operations. Concerning consistency with Policy OS-C.20 and Policy HS-B.1, the nearest urban development in the community of Five Points is approximately 3,600 feet east of the drill site. The Fresno County Fire Protection District expressed no concerns related to fire hazard. Concerning consistency with Policy HS-F.1, all hazardous materials generated by the project will be handled according to federal, state, and local laws.

The subject property is enrolled in the Williamson Act (Contract No. 561) program. The proposed drilling operation is considered a compatible use on land enrolled in the Williamson Act program as noted by the Policy Planning Section of the Fresno County Department of Public Works and Planning.

Based on the above analysis, staff believes the proposal is consistent with the County General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Unclassified Conditional Use Permit (CUP) can be made. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for the project and approval of Unclassified Conditional Use Permit No. 3653, subject to the recommended Conditions.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7649; and
- Move to determine the required Findings can be made and move to approve Unclassified Conditional Use Permit No. 3653, subject to the Conditions of Approval and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Unclassified Conditional Use Permit No. 3653; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Mitigation Measures, Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:ksn

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Mitigation Monitoring and Reporting Program
Initial Study Application No. 7649/Unclassified Conditional Use Permit Application No. 3653
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.	Applicant	Applicant/Fresno County Department of Public Works and Planning (PW&P)	During drilling and production phase
2.	Aesthetics	All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.	Applicant	Applicant/PW&P	Drilling phase
3.	Aesthetics	All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.	Applicant	Applicant/PW&P	Drilling phase
4.	Agricultural and Forestry Resources	When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.	Applicant	Applicant/PW&P	Drilling phase
5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist should be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	As noted
6.	Energy	The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during well drilling or production operations.	Applicant	Applicant	During drilling and production phase

7.	Tribal Cultural Resources	Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor inspect the site prior to and be present during all ground-disturbing activities, both during construction and decommissioning. The certified Native American Monitor may provide pre-construction briefings to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. The notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe, at spowers@tachi-yokut-nsn.gov . The tribal monitors shall be independently insured in order to enter the construction zone.	Applicant	Applicant/all tribes	As noted
8.	Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted within 100 feet of the find. A qualified Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. The County of Fresno, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. Any findings shall be submitted by the archaeologist in a professional report to the project Applicant, the County of Fresno and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.	Applicant	Applicant/PW&P	As noted
9.	Tribal Cultural Resources	If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. The Commission shall identify the person believed to be the Most Likely Descendant (MLD), who shall have at least 48 hours from notification of the find to comment. The human remains and associated or unassociated funerary objects shall be treated per CEQA Guidelines Sec. 15064.5(d). If the MLD and	Applicant	Applicant/PW&P	As noted

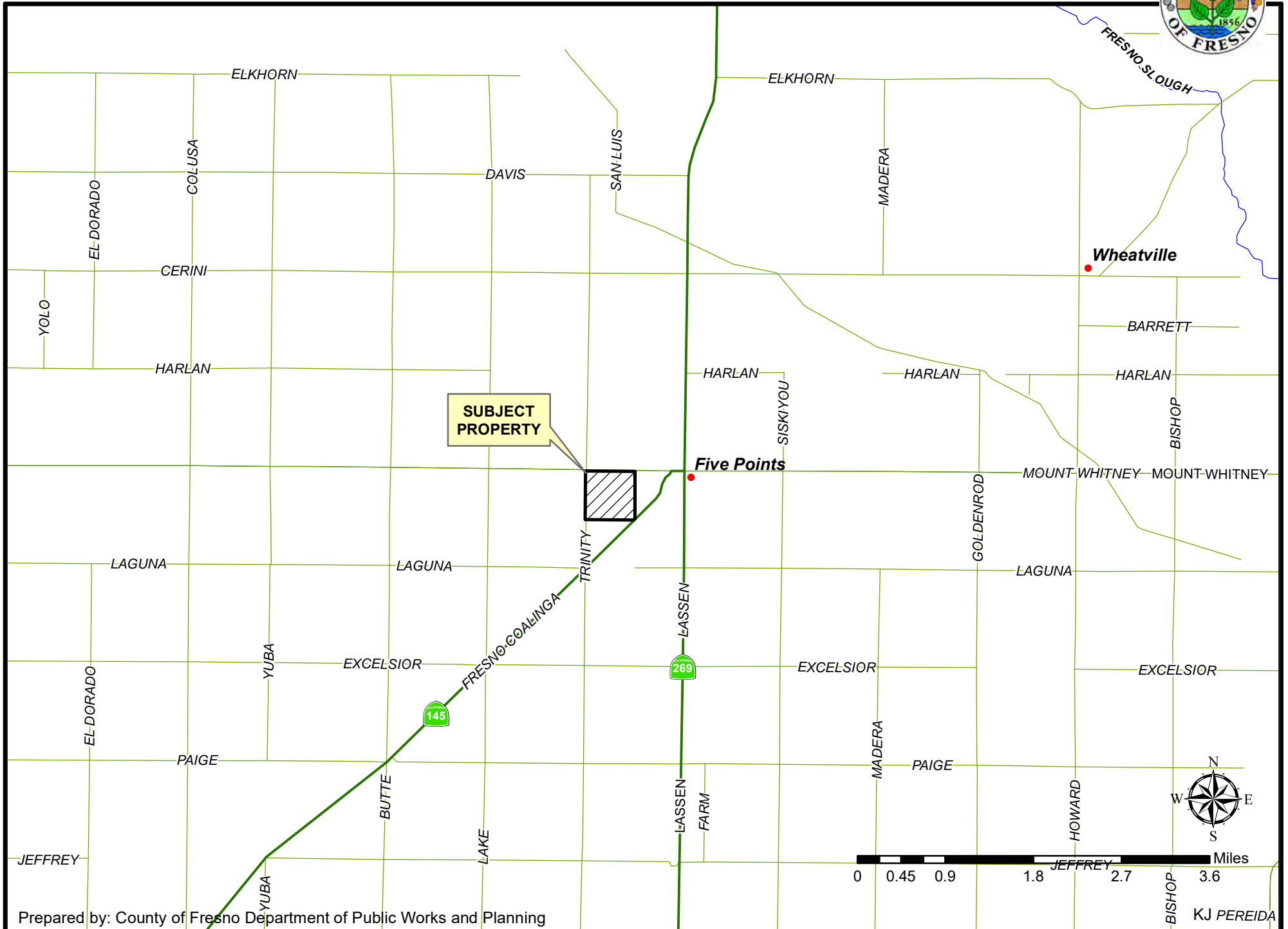
		the other parties do not agree on the reburial method, the Project shall follow PRC Section 5097.98(e).			
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plans, Elevations, and Operational Statement approved by the Planning Commission.				
2.	Plans, permits and inspections are required for onsite improvements, including the temporary mobile office. Contact the Building and Safety Section of the Development Services Division at (559) 600-4560 for detail.				
3.	<p>Prior to the issuance of building permits, the Applicant shall comply with the following requirements from the California Department of Transportation (Caltrans):</p> <ul style="list-style-type: none"> • Provide a Transportation Management Plan (TMP), as the traffic trips for drilling activity may impact the peak hours. • Obtain an encroachment permit if a TMP is needed. • Repair and replace any damaged pavement at the site access off State Route 145. • Clean roadways from construction activities. • Construct shoulder backing at the site access with an encroachment permit. 				
4.	Prior to occupancy, the project proponent shall enter into an agreement with Fresno County incorporating the provisions of the “Right-to-Farm” Notice (Ordinance Code Section 17.40.100) for acknowledgement of the inconveniences and discomfort associated with normal farm activities in the surrounding of the proposed development.				
5	All unpaved parking and circulation areas shall be treated with dust palliative at all times to prevent the creation of dust by vehicles.				

*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference recommended Conditions for the project.

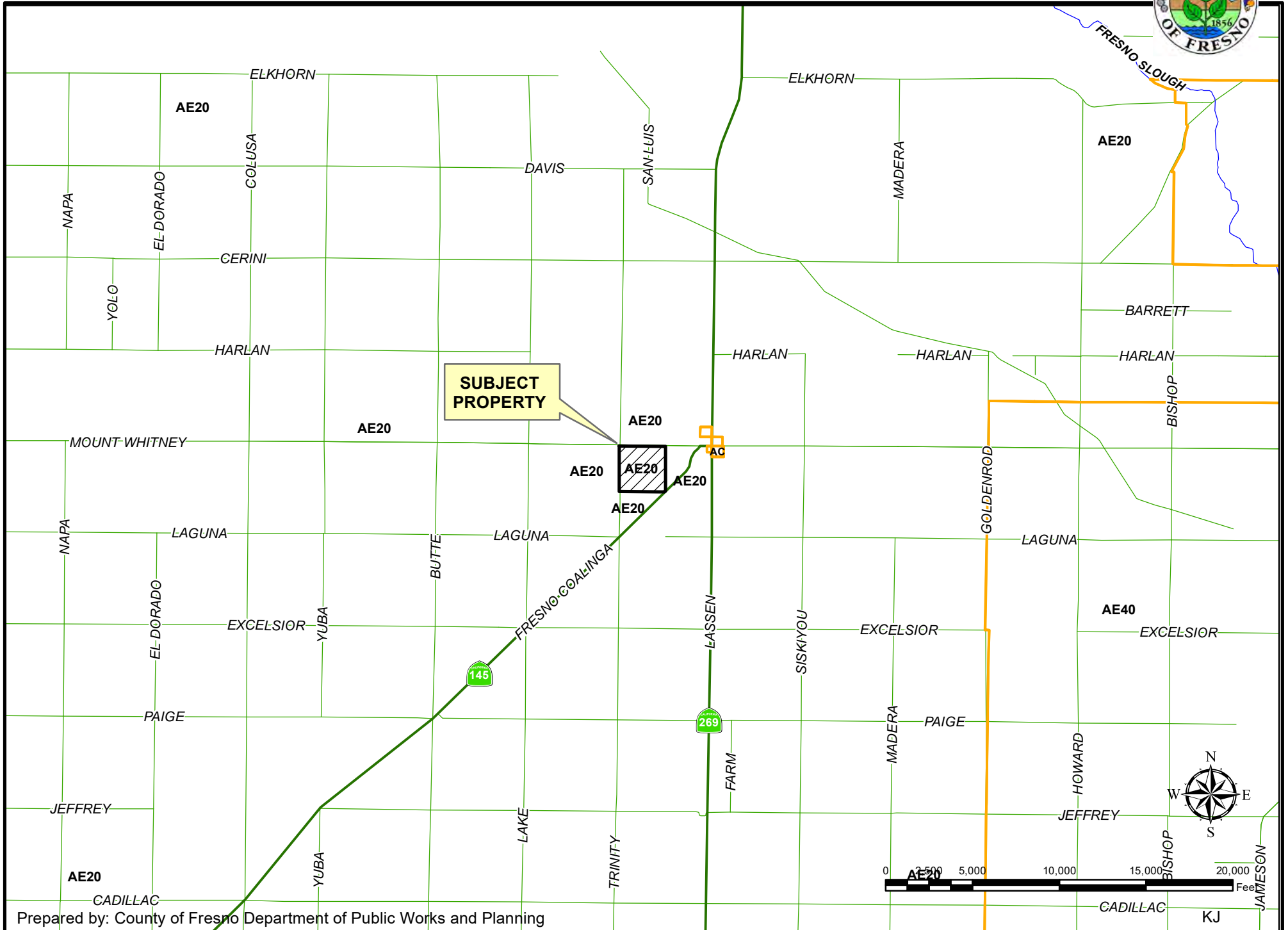
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The Applicant shall consult with the San Joaquin Valley Air Pollution Control District for Air District rules that may apply to the project.
2.	<p>To address potential health impacts resulting from the project, the Fresno County Department of Public Health, Environmental Health Division requires the following:</p> <ul style="list-style-type: none"> • Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. • Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. • All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5.

Notes	
	<ul style="list-style-type: none"> • An Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. • Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil, any lubricating oil found in the well shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well shall be handled in accordance with federal, state and local government requirements.
3.	<p>To address potential health impacts resulting from the project, the Division of Oil, Gas, and Geothermal Resources (DOGGR) requires the following:</p> <ul style="list-style-type: none"> • Physical access to all onsite oil and gas wells shall be maintained, and all oil and gas wells shall be abandoned in compliance with DOGGR regulations. • DOGGR shall immediately be consulted prior to the commencement of any work to uncover a known abandoned well and/or discovery of any unrecorded well. • Soil testing and reverification of any contamination found for the one known abandoned oil and gas well located within the project boundary shall be conducted (the well may have had a mud pit/drilling sump associated with drilling operation). • Any soil containing significant amounts of hydrocarbons shall be disposed in accordance with local, state and federal laws. • No well work shall be performed without written approval/appropriate permit from the Division of Oil, Gas, and Geothermal Resources.
4.	<p>To address site development impacts resulting from the project, the Development Engineering Section of the Development Services and Capital Projects Division requires the following:</p> <ul style="list-style-type: none"> • According to FEMA, FIRM Panel 2850J, portions of the subject parcel are located in Zone A and are subject to flooding from the 100-year storm. Any development within the area identified as Zone A must comply with the County Flood Hazard Ordinance (Title 15.48). • Onsite turnarounds are required for vehicles leaving the site to enter the highway in a forward motion. • An Engineered Grading and Drainage Plan and a grading permit may be required for any grading proposed with this application.
5.	<p>A hazardous material spill prevention and response plan shall be provided to Westlands Water District in the event a spillage such as the diesel fuel stored onsite, chemicals such as biocide, and oil goods produced during or after the production phase. Contact Underground Service Alert prior to construction.</p>
6.	<p>All proposed signs shall be submitted to the Department of Public Works and Planning permits counter to verify compliance with the Zoning Ordinance.</p>

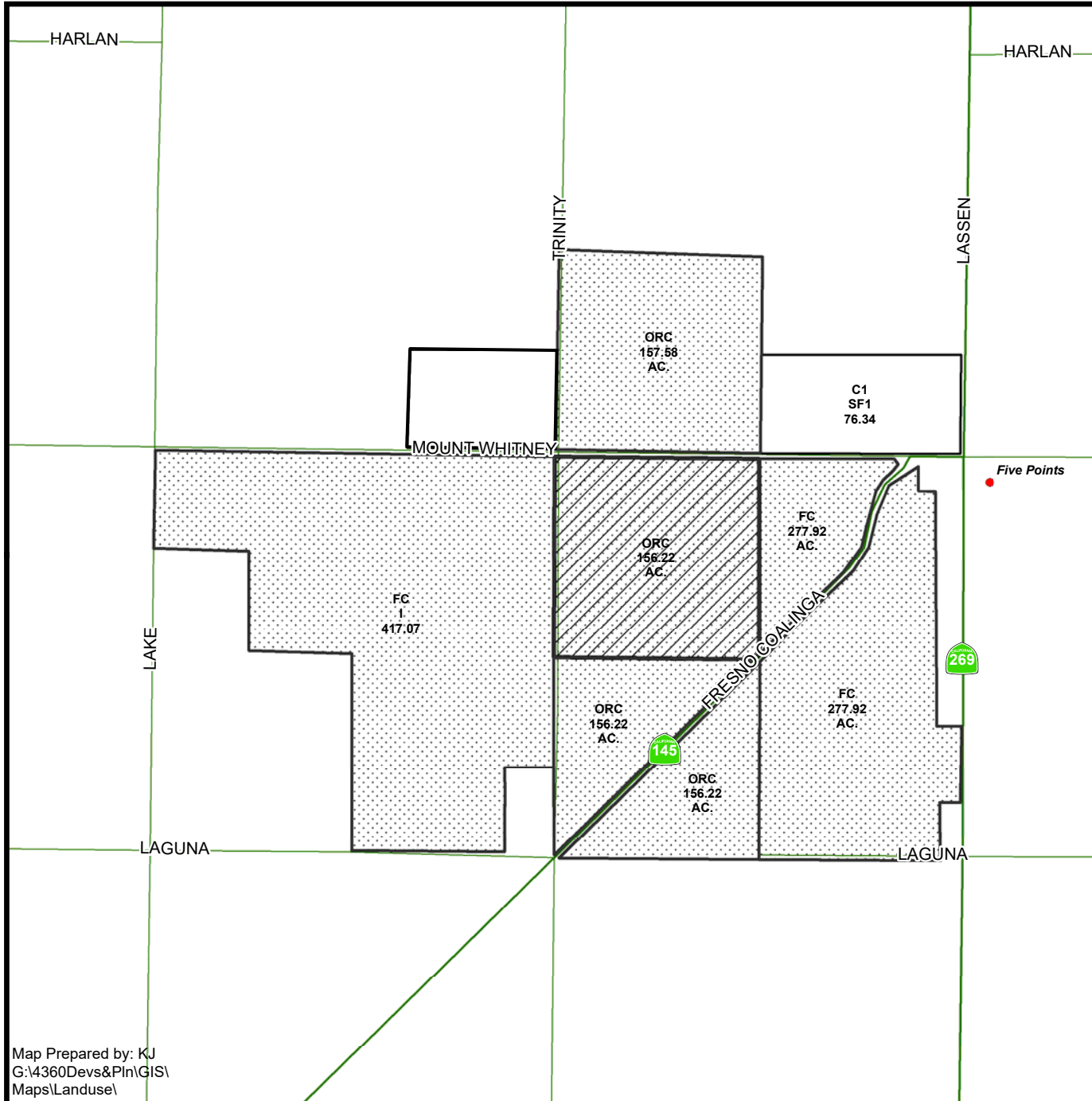
LOCATION MAP



EXISTING ZONING MAP



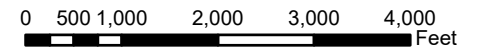
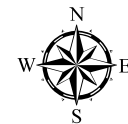
EXISTING LAND USE MAP



LEGEND	
C#	- COMMERCIAL
FC	- FIELD CROP
ORC	- ORCHARD
I	- INDUSTRIAL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

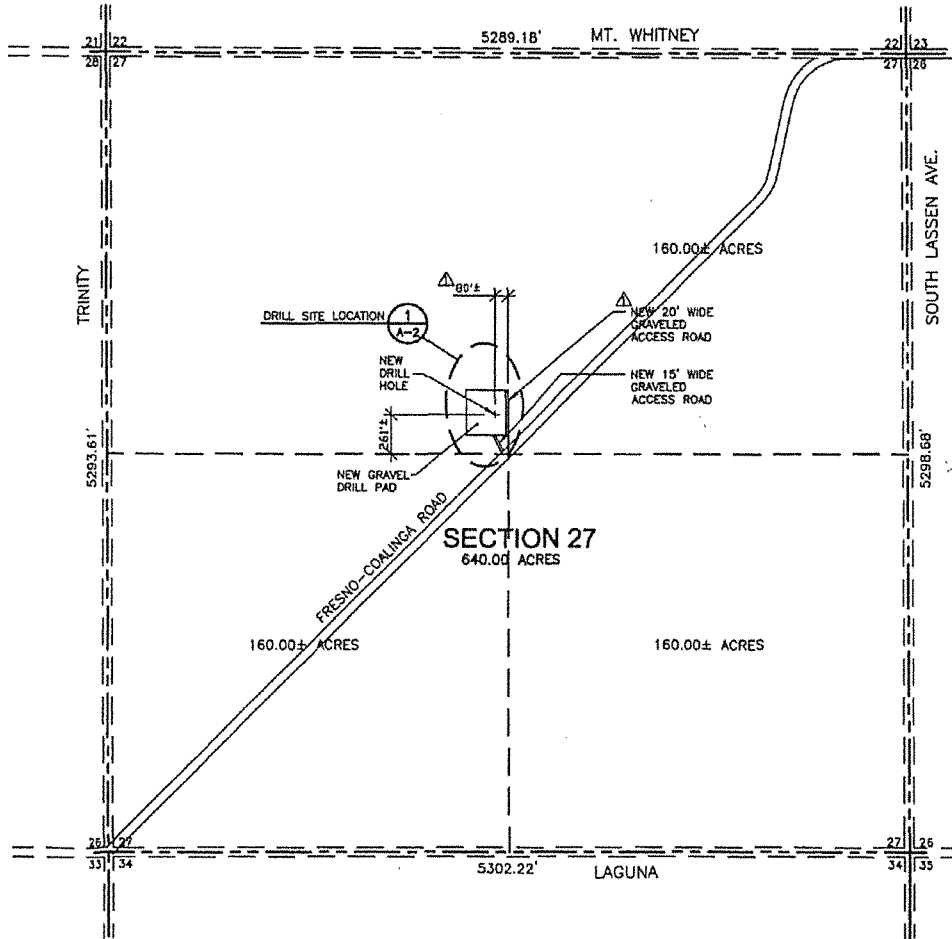
LEGEND:

-  Subject Property
-  Ag Contract Land

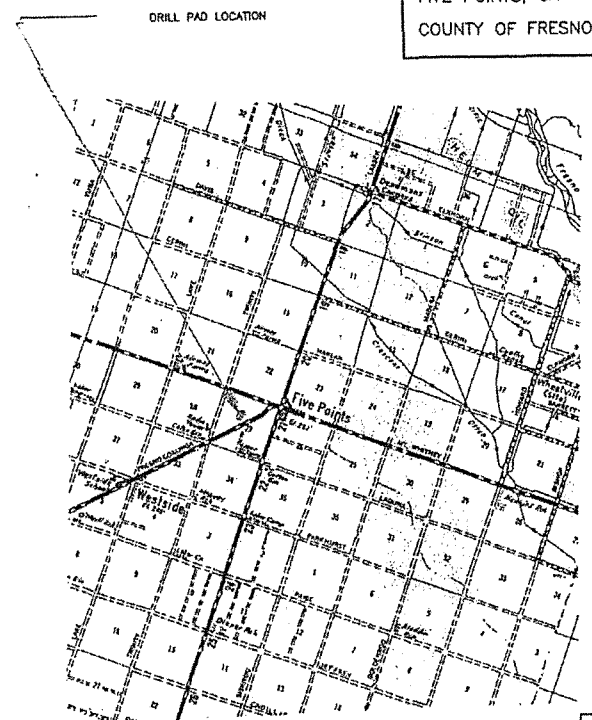


Map Prepared by: KJ
 G:\4360Devs&Pln\GIS\Maps\Landuse\

Department of Public Works and Planning
 Development Services Division



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-755
 FIVE POINTS, CA
 COUNTY OF FRESNO



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 COUNTY OF FRESNO
OCT 10 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

SITE PLAN
 SCALE: 1"=800'

VICINITY MAP
 SCALE: NONE

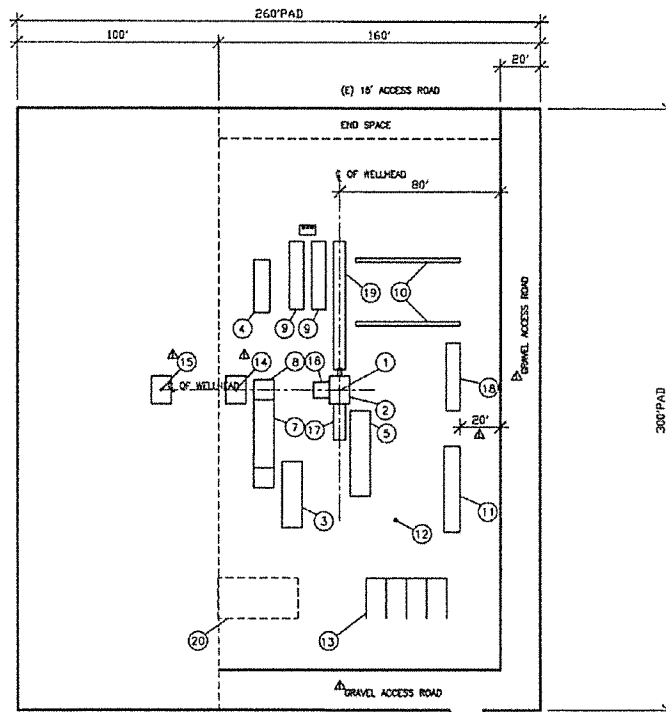
DRAWING SCHEDULE	
A-1	SECTION SITE PLAN
A-2	PAD SITE PLAN
A-3	EXPLORATORY OIL WELL ELEVATIONS
A-4	PROPOSED PRODUCTION OIL WELLS
A-5	PRODUCTION OIL WELL ELEVATIONS

THE DRAWING CENTER
 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95612
 TEL: (559) 529-7155
 FAX: (559) 529-7196
 E-mail: drawing@dbcglobal.net

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. D.C. #1971 90-051.dwg	date 05-24-2019	dr. by J. JOHNSON
REVISIONS 10-08-2019. PLAN CHECK		

sheet no.
A-1
 of _____



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-755
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

- KEY**
- ① PROPOSED OIL WELLHEAD LOCATION
 - ② CELLAR 10'-0" SQUARE X 6' DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 - ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
 - ④ STANDBY PUMP, 8' WIDE X 26'-2" LONG
 - ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
 - ⑥ NEW 15' GRAVELED ACCESS ROAD TO FRESNO-COALINGA ROAD
 - ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
 - ⑧ MUD DOCK, 8' WIDE X 33'-3" LONG
 - ⑨ PIPE BIN, 7' WIDE X 33'-8" LONG
 - ⑩ PIPE RACK
 - ⑪ FLUIDS TANK SYSTEM, 8' X 43', QTY-2
 - ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE
 - ⑬ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).
 - △⑭ PROPOSED OIL WELLHEAD #2
 - △⑮ PROPOSED OIL WELLHEAD #3
 - ⑯ DRILLER'S HOUSE
 - ⑰ DRAWWORKS
 - ⑱ DOGHOUSE
 - ⑲ CATWALK
 - ⑳ SHORT TERM ACCOMMODATION TRAVEL TRAILERS PARKING

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SITE PLAN DETAIL "A"
 SCALE: 1"=80'
PROPOSED EXPLORATORY KENAI OIL WELL

THE DRAWING CENTER
 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 95611
 TEL: (959) 925-7195
 FAX: (959) 925-7196
 E-mail: drawing@the-drawing-center.com

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA.

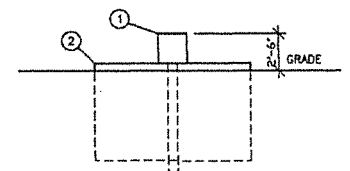
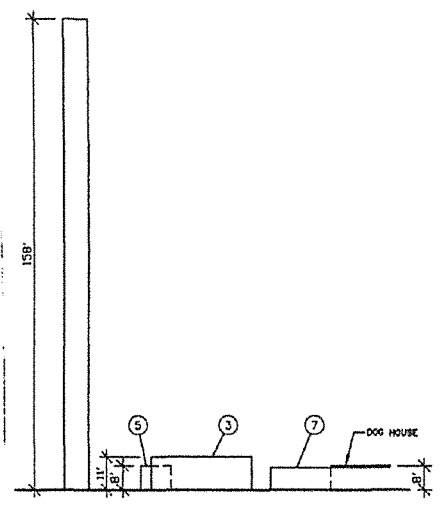
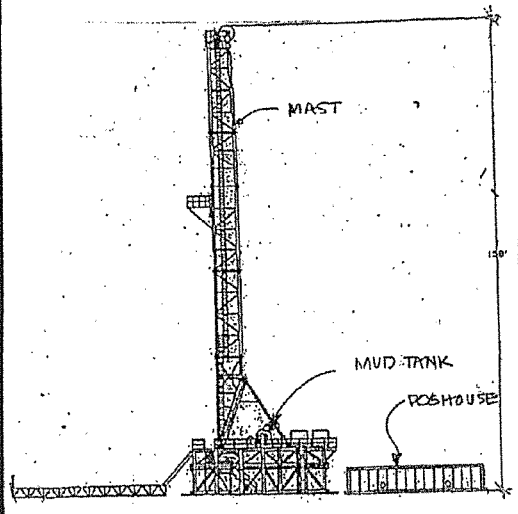
job no. 90-032.dwg
 date 05-24-2019
 dr. by J. JOHNSON
 revisions
 Δ 10-09-2019 PLAN CHECK

sheet no. **A-2**
 of _____

LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (H) NEW

KEY
 ① OIL WELLHEAD
 ② CELLAR 10'-0" SQUARE X 8" DEEP WITH GUARD RAIL SURROUND ABOVE GROUND
 ③ MAIN MUD PUMP, 10' WIDE X 33'-6" LONG
 ④
 ⑤ GENERATOR, 10' WIDE X 42'-9" LONG
 ⑥
 ⑦ MUD TANK, 9'-4" WIDE X 40' LONG
 ⑧
 ⑨
 ⑩
 ⑪
 ⑫ (E) CLEARED, LEVEL SITE WITH DIRT BASE

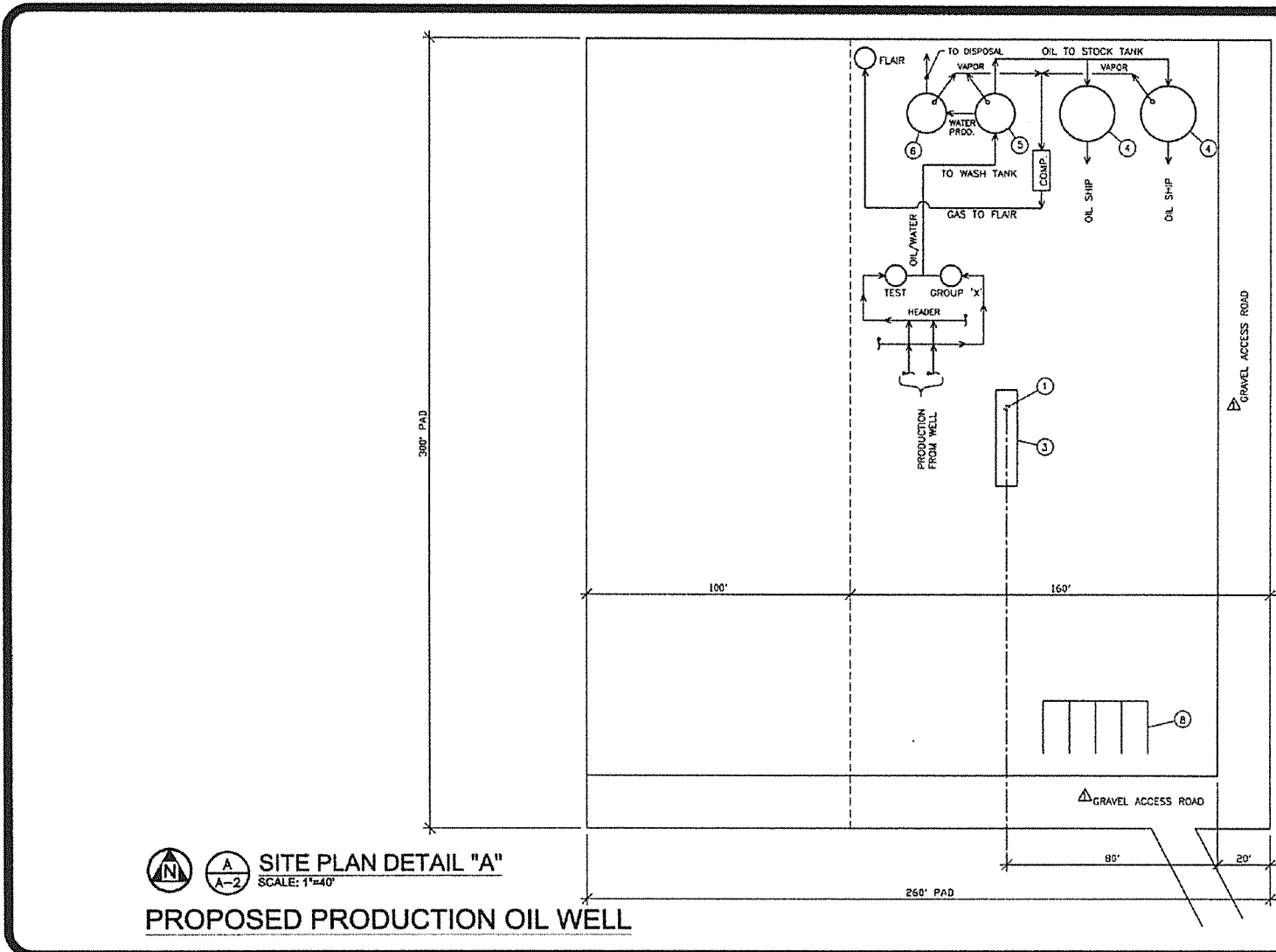


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 456 CLOVIS AVE, SUITE 1
 CLOVIS, CA 93612
 TEL: (559) 923-7199
 FAX: (559) 923-7196
 E-mail: www@thedrawingcenter.com

SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. 90-cs1.dwg
 date 03-24-2019
 dr. by J. JOHNSON
 revisions

sheet no.
A-3
 of _____



LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

LEGEND
 (E) EXISTING
 (N) NEW

KEY
 ① PRODUCTION OIL WELL LOCATION
 ② THIS NUMBER NOT BEING USED
 ③ (N) PUMPING UNIT
 ④ (N) 400 BBL OIL TANK, 12' X 20' HIGH
 ⑤ (N) 500 BBL WASH TANK, 12' X 25' HIGH
 ⑥ (N) 500 BBL WATER TANK, 12' X 25' HIGH
 ⑦ THIS NUMBER NOT BEING USED
 ⑧ EMPLOYEE PARKING SPACE, 10' X 20', QTY (4).

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 OCT 10 2019
 DEPARTMENT OF PUBLIC WORKS
 AND PLANNING
 DEVELOPMENT SERVICES DIVISION

SITE PLAN DETAIL "A"
 SCALE: 1"=40'

PROPOSED PRODUCTION OIL WELL

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 156 CLOVIS AVE, SUITE 1
 CLOVIS, CA 93612
 TEL: (559) 525-7155
 FAX: (559) 525-7156
 E-mail: drawing@the-drawing-center.com

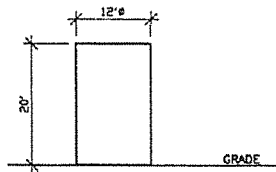
SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. D.C. #1971 90-054.4ng	date 05-24-2019	dr. by J. JOHNSON
revisions Δ 10-08-2019, PLAN CHECK		

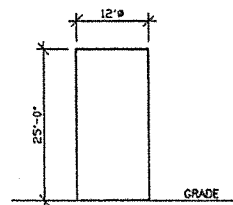
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A-4
 of _____

LEASEE: THE TERMO COMPANY
 OWNER: DLM PARTNERS
 WELL: MT. WHITNEY #1-27
 SECTION 27 T.17S. R.17E., M.D.B.&M.
 APN: 050-130-75S
 FIVE POINTS, CA
 COUNTY OF FRESNO

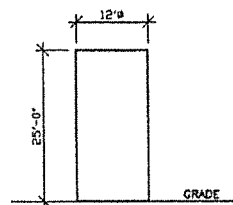
LEGEND
 (E) EXISTING
 (N) NEW



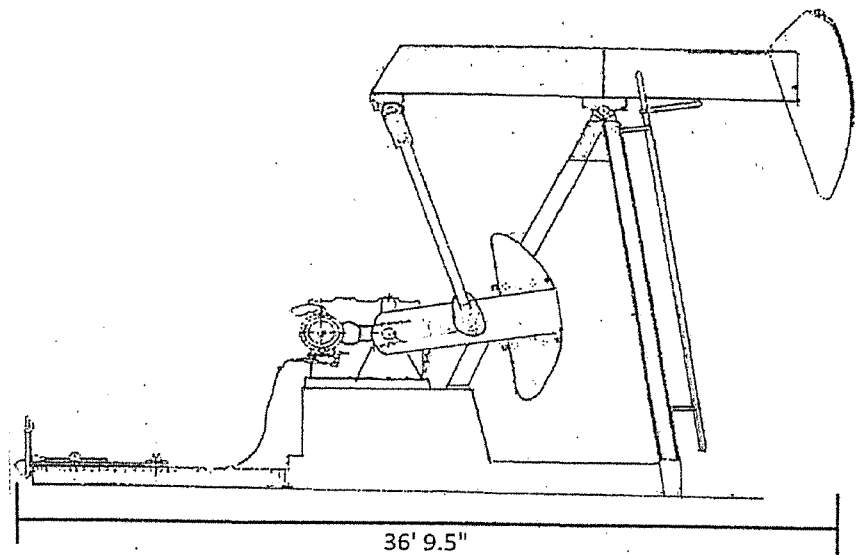
PRODUCTION OIL TANK ELEVATION
 SCALE: 1"=20'



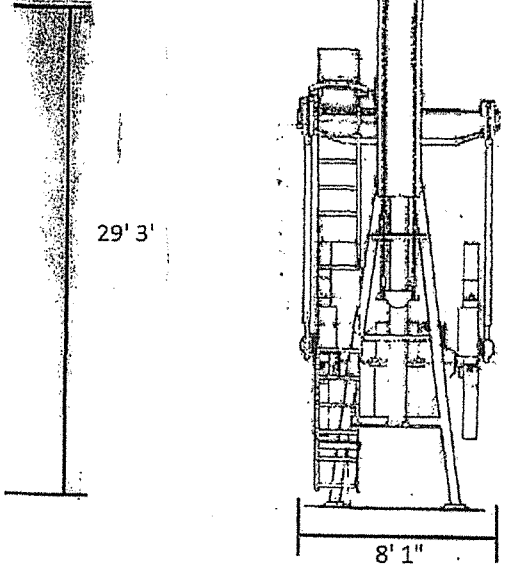
PRODUCTION WASH TANK ELEVATION
 SCALE: 1"=20'



PRODUCTION WATER TANK ELEVATION
 SCALE: 1"=20'



PRODUCTION SIDE VIEW PUMPING UNIT
 SCALE: NONE



PRODUCTION FRONT VIEW PUMPING UNIT
 SCALE: NONE

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 FAX: (559) 529-7156
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SITE PLAN FOR
MT. WHITNEY #1-27
 FRESNO COUNTY, CA

job no. DC-1871 90-055.dwg	date 05-24-2019	dr. by J. JOHNSON
revisions		

sheet no.
A-5
 of _____

Operational Statement

Pre-Application Review No. 39681

RECEIVED
COUNTY OF FRESNO

OCT 10 2019

(Revised)

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

1. Project Description.

The Termo Company (“Termo” or “Applicant”) is proposing the construction of a new earthen well pad of up to 78,000 square feet (1.79 acres) and the drilling of up to three (3) exploratory oil and gas wells from that well pad. The first exploratory well is the Mt. Whitney #1-27 (test well), which will be drilled to a depth not to exceed 9,500 feet TVD. This Project description addresses the various steps to drilling the test well and the subsequent activity if the well is successful.

The proposed Project includes the following phases which will be completed during 2019 and early 2020: site preparation, drilling, testing; and, if deemed productive, completion, installation of production equipment, and production phase. Plugging and abandonment will take place if the initial well is found to be unproductive prior to completion or during testing. The estimated life of a successful well is 30 years.

Applicant plans to develop the site in phases. The Project and initial ground disturbance (Site Preparation Phase) is designed to disturb only the area of the site necessary to drill the first exploratory well (Drilling Phase). If this first exploratory well is successful, after the Completion and Testing Phase the Applicant will move to Production Phase which will require additional (but not the complete site) surface disturbance for the construction of the production facility.

Prior to any ground disturbing activities, Termo will conduct various tasks including on site meetings with the property owners, well and site surveying and staking, and general site assessment.

Site Preparation Phase

During site preparation activities the proposed Project site will be graded, watered and compacted to establish a level and solid foundation for the drilling rig. Grading activity and topsoil stabilization will be consistent with SJVAPCD Rule 8021. If possible, topsoil will be covered and stockpiled on site for later reuse as part of the site restoration.

Drilling Phase

The Drilling Phase for the proposed Project will last a total of approximately twenty-five (25) days. The drilling phase will consist of two days for mobilization and demobilization of the drilling rig and 20 days for drilling and various tasks associated with the drilling phase including installation of blowout prevention equipment, cementing, mud-logging, etc. During the two to four days when various other drilling related tasks take place the drill rig motors will be idle or not running.

The Project will use either a “triple” drilling rig 86 feet in total height or an “extended double” drilling rig 146 feet in total height (dependent on availability) and the drilling rig will be registered in the California Portable Emission Registration Program (PERP). Temporary facilities, equipment and materials necessary for the drilling operation will be set up and stored on site (i.e., drilling mud supplies, water, drilling materials and casing, crew support trailers, pumps and piping, portable generators, fuels and lubricants, etc.).

Completion and Testing Phase

Once target depth is reached, the well will be tested and evaluated to determine whether it will be put on production or plugged and abandoned. Initially, a production rig would be moved on site to prepare the well for production testing and completion. The completion rig would operate 10 hours per day for

approximately ten days. During this period the wellbore will be cleaned and perforated for well bore production testing. Approximately six personnel will be on site when the completion rig is operating.

Production Phase

If the initial well is determined to have economic production potential, the Applicant will submit and complete the building permit requirements and production equipment including a well head, pumping unit with engine, and a separator will be installed on the proposed Project site. A new above ground storage tank facility will be built at the site to accommodate the crude oil and waste water. A natural gas line will be constructed from the compressor site to the northwest outer edge of the drill pad site terminating in a flare. Said flare will be approved by the San Joaquin Air Pollution Control District. Facility construction will be permitted with Fresno County Department of Public Works, Development Services and will comply with all applicable California Building Codes.

Greenhouse Gas Emissions

The equipment used in Site Preparation Phase, Drilling Phase, Production Phase and Plugging and Abandoning Phase will all contribute to the production of greenhouse gas emissions. The sources are trucks and dirt moving equipment in the Site Preparation Phase. During the Drilling Phase, the drilling rig motors and pumps plus trucks servicing the well will cause greenhouse gas emissions. The Production Phase will also emit greenhouse gases but will be dependent on the length of time the well produces to determine quantifiable measures. At the end of the well's life the Plugging and Abandoning Phase will also cause greenhouse gas emissions but at a much-reduced rate. The tons per year for each phase have been calculated and are demonstrated here as attachments Table 1 and Table 1a, attached hereto.

Plugging and Abandonment Phase

If the exploratory well is deemed unable to become a producing well, or once the well stops producing, it will be plugged and abandoned in accordance with California Code of Regulations, Chapter 4, Subchapter 1, Sections 1723–1723.7.

During a typical well abandonment, recoverable casing would be salvaged from the well and the hole would be plugged with cement. The wellhead (and any other equipment) would be removed, the casing cut off 6 feet below ground surface, capped with a welded plate and the cellar backfilled. This process would be completed in 8 days. The land contours of the site will be re-established to near grade conditions as present at the time of Project initiation. After all equipment is removed, the site will be restored to its condition and use (agricultural) prior to construction of the well pad.

2. Operational Time Limits:

The construction of the earthen drilling pad will take approximately 5 days and work will be during daylight hours. The Drilling Phase of the Project will be 24 hours per day, seven days a week for an anticipated period of 25 days per well. The completion phase of the well will take approximately 10 days and work will be during daylight hours. The construction phase of the production facility will take approximately 45 to 60 days, with work occurring Monday – Saturday during daylight hours.

If production is established, then one person will visit the well twice daily with a time limit between 30 minutes and one hour. Additionally, and dependent on production, a tanker truck will enter the site to haul away produced oil and/or waste water on a twice weekly basis. These visits will last up to two hours each.

3. Number of customers or visitors:

This is not a commercial enterprise and is not open to customers. Visitors may include Agency staff, consultants, or other technical specialists and would expect to average 3 to 5 visitors per week.

4. Number of employees:

Between 7 and 15 personnel will be on site at any given time during drilling and testing operations. They will be working 24 hours, 7 days a week during the drilling and testing phase. If production is obtained, then one or two people will visit the site per day. No one will live on the site.

5. Services and delivery vehicles:

The Drilling Phase of the Project will require approximately 30 to 35 truck trips to mobilize the drilling rig and associated equipment to the drill site.

An additional 10 to 20 trucks will be required to transport supplies and service contractor equipment to the site.

Approximately 5 to 8 truck trips per day will be required to support drilling operations.

Please see additional Transportation details and estimated daily traffic volumes in #19 of the Environmental Information checklist.

6. Access to the site:

Access to the site will be from the Fresno-Coalinga Road (Highway 145) on an existing ingress – egress. Please see the site map for the exact location.

7. Number of parking spaces for employees, customers, and service/delivery vehicles.

The drill site, which is a prepared gravel area, will provide up to four parking spaces for the use of employees and service/delivery vehicles. There will be no customers.

8. Goods sold on site.

Should the exploration result in a producing well, then the oil and natural gas produced from the site will be sold. The oil will be stored in a tank on the site and once full, will be emptied by an oil field tanker and driven to a refinery for sale. The natural gas will be shipped by pipeline from the site and sold to the marketplace at the nearest buy point.

9. What equipment is used?

The proposed project includes three phases: (1) a Site Preparation Phase; (2) a Drilling and Testing

Phase; and, (3) a Production Phase. A description of each phase of the operation is provided below. An additional phase (4), a subsequent well drilling and testing phase would occur if the second and/or third well is drilled.

Site Preparation

The drill site boundaries will be clearly delineated to ensure all activities are confined to the project site. The proposed drill site will be cleared of young trees, and the drill pad will be graded to a level area not greater than 81,000 square feet (1.85 acres) in size. Gravel or a soil binder may be used to improve the surface of the access road to the drill site and on the drill site work areas.

Construction related equipment operated onsite during this Phase will include a dozer, front end loader, grader/scrapper, roller, and water truck.

Drilling Phase

The Drilling Phase will use the following equipment:

1. Exploratory drilling rig consisting of temporary pipe rack, mud pumps, and diesel powered generators.
2. Support equipment includes a backhoe, forklift, crane, water truck, and heavy and light duty service trucks.

It is anticipated, but may not be required, that not more than 2 hydraulic cranes will also be transported to the site to set up the drilling rig, raise the drilling mast and set the associated drilling equipment and supplies.

All drilling and production testing equipment (i.e., drilling rig, mud pumps, mud system equipment, portable water tanks, waste tanks, fuel tanks, portable toilets, pipe racks, and pipe baskets, etc.) will be temporarily installed and contained within the proposed drill site. Drilling equipment is identified on the Drilling Site Plan included with this application.

An above ground portable fluids tank system will be used for drilling and completion operations. All drilling fluids will be contained within the tank system and earthen cuttings will be contained onsite in half-round bins awaiting disposal.

Five short term accommodation travel trailers will be set up on the site during drilling and completion operations.

After a well is drilled, and the well is either completed or abandoned, the drilling rig is promptly disassembled and removed from the drill site.

Completion and Testing Phase

If Applicant decides to continue to the Completion and Testing phase, a smaller portable completion rig and wireline truck will be utilized to prepare the well-bore for the testing process. Once the completion work is done (approximately 5 to 7 days), the rig and truck will leave the site. At that point, two portable 21,000 gallon horizontal tanks will be set on location along with a fluid separator and temporary flare for the testing phase.

Once the Testing Phase is complete (approximately 30 to 60 days, but no more than 180 days), the

portable equipment will be cleaned and removed and the applicant will await building permit approval to move into the Production Phase of the Project.

Production Phase

The Production Phase may use a combination of the following: pumping unit, oil and gas dehydrator, heater-treater, separation tank(s), water tank(s), crude oil storage tank(s), electric powered compressor, miscellaneous valves and pipelines, and an emergency flare. Applicant expects the site to contain no more than five tanks which will be in a containment area.

10. What supplies or materials are used and how are they stored.

The site preparation phase will utilize water for dust control and compaction which will be stored onsite in a metal or poly storage tank for access. Diesel may also be stored onsite for the fueling of construction equipment. If a soil binder is used for dust control, it will be brought in by the vendor and applied. No storage onsite would be expected.

For the Drilling Phase of the well, the supplies and materials used are comprised of diesel fuel, drilling mud, fresh water and various lubricants. These supplies and materials are brought to the site by truck. Each material is stored in its own container, which can be metal storage cans for the liquids and lubricants. Storage bags are used for the dry supplies of mud. Storage is outdoors on racks or the gravel drill site surface.

The Production Phase may utilize common oil field chemicals such as a biocide to prevent bacteria in the produced water or lubricants for mechanical integrity. Any chemicals used are stored in 120 gallon containers within a spill containment system.

11. Does the use cause an unsightly appearance?

The proposed use is characteristic of the area where oil and gas operations already exist alongside agricultural and other industrial activities. The Applicant would prevent an unsightly appearance from occurring by maintaining the site in a weed free state, preventing or painting over any graffiti that may occur, and maintaining equipment to prevent rust.

Drilling equipment will be removed from the site within 15 days of well drilling activity. Signage will be limited to what is necessary for safety and agency requirements.

Additionally, permanent production equipment will be painted in an earthen tone to blend in with the surrounding environment.

Glare

Site preparation activities will be conducted during daylight hours and will not produce glare.

Well drilling, testing, and completion activities are not anticipated to produce glare.

Production processes and equipment will not produce glare.

Temporary directional lighting will be used during drilling and completion operations but lighting is not

required for the production facility. Directional lighting is used to minimize impacts of lighting to nocturnal animals.

12. List any solid or liquid wastes to be produced.

The estimated volume of earthen cuttings and drilling mud (solid waste) generated per day of drilling is approximately 1,500 lbs. Drilling mud and excess water is recycled during the drilling process to the greatest extent possible. Liquid waste would be excess water separated from the drilling mud during the drilling process and that volume of waste is expected to be approximately 1,200 to 1,900 gallons per day. All earthen cuttings will be separated from the mud system, de-watered and stored on the location in half round bins. All liquid waste is stored in covered, leak proof tanks. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. Liquid waste will be transported to a licensed disposal facility at the end of the Drilling Phase. Excess cement from the cementing of pipe in the hole will be diverted to a licensed facility. The volume of this cement waste is expected to be no more than 900 gallons or 12,600 lbs.

Solid and liquid waste produced during the drilling, testing, and completion program is tested for hazardous criteria prior to shipping and disposal. Any waste exhibiting the characteristics of a hazardous waste, will be handled (stored, transported, and disposed of) according to CCR Title 22, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

13. Estimated volume of water to be used (gallons per day).

Site preparation (grading and dust control) will require approximately 30,000 gallons. Between 8,000 and 11,000 gallons of water per day will be required during drilling operations, depending on that day's work program. Water will be purchased from a private commercial supplier and trucked to the site and stored in a temporary portable tank until used. Bottled water will be purchased and transported onsite for human consumption.

14. Describe any proposed advertising including size, appearance and placement.

There will be no advertising. Signage will be limited to that necessary for safety notices, agency required postings, and directions.

15. Will existing buildings be used or will new buildings be constructed.

There will be no construction of any buildings. No new buildings will be built. All features in the drilling process will be trucked in pre-assembled and then removed when the drilling process is completed. If the well is successful, a tank farm and a short segment of gas pipeline will be constructed. Please see the proposed Production Site Plan for details.

16. Explain which buildings or what portion of buildings will be used in the operation.

There will be no permanent buildings used or constructed. Five or six temporary trailers will be used during the Drilling Phase.

17. Will any outdoor lighting or an outdoor sound amplification system be used?

The lighting used will be only in the Drilling Phase. During that phase lighting on the drilling rig mast and surrounding platforms will be used to provide adequate safety lighting to the drillers. The lights will be directed in downward fashion to prevent unwanted glare to the surrounding area. Additionally, all safety lighting will be used as required by law.

There will be no sound amplification system used.

18. Landscaping or fencing proposed.

There will be no landscaping or fencing during the drilling phase. If the well is successful and a production facility is constructed, the Applicant may erect security fencing as required under California Code of Regulations, Chapter 4, Subchapter 2, Section 1778 to ensure the safety of the public and operational equipment.

Applicant may work with the surface owner to install some basic landscaping.

19. Other information that will provide a clear understanding of the project or operation.

20. Identify all Owners, Officers and/or Board Members.

The Project Applicant, Developer and Responsible Party is The Termo Company, a private corporation located in Long Beach, California with operations in Fresno County. CEQA does not require the disclosure of Owners, Officers, and/or Board Members of companies proposing projects undergoing CEQA analysis.

If County of Fresno Department of Public Works and Planning requires more information, please contact the Applicant.

Table 1

Summary of Short-Term Emissions Associated with the Mt. Whitney
1-27 Initial Well and Facility Project

Project Phase	ROG (tons/year)	NOx (tons/year)	PM-10 (tons/year)	PM-2.5 (tons/year)
Pre-Activity Surveys	0.0000	0.0001	0.0000	0.0000
Site Preparation (includes PM-10 and PM-2.5 fugitive dust emissions from Roadway Model)	0.0006	0.0073	0.0153	0.0034
Drilling Phase	0.1425	2.4130	0.0627	0.0502
Completion and Testing Phase	0.0445	0.0488	0.1510	0.1208
Production Equipment Installation Phase – Option 1	0.0019	0.0169	0.0008	0.0006
Production Phase	0.0598	0.2462	0.0204	0.0163
Plugging and Abandonment Phase	0.0020	0.0219	0.0008	0.0006
Totals	0.2513	2.7542	0.2510	0.1919
Note: Annual Emissions below 0.00005 tons/year appear as 0.0000 tons/year. Equipment would use ultra-low sulfur gasoline and diesel fuel. As a result, SOx emissions would be negligible.				

ATTACHMENT

Initial Study Application

Pre-Application Review No. 39681

19. Transportation Details.

The following tables layout the anticipated trips for the Site Preparation and Drilling Phases of the Project.

<i>Trips for Pre-Drilling Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Passenger Car/Truck Roundtrips (Termo)	6	TBD	1	TBD	Staff visits from construction thru drilling and completion
Passenger Car/Truck Roundtrips (Survey - well staking)	2	TBD	1	TBD	Site survey / Well staking - Landmark
Passenger Car/Truck Roundtrips (Survey - construction staking)	1	TBD	1	TBD	Construction staking - Landmark
<i>Trips for Site Preparation Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck	1	TBD	3	TBD	
Passenger Car/Truck Roundtrips	2	TBD	5	TBD	Crew
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to / from contractors' yard
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to / from contractors' yard
<i>Trips for Drilling Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck (Heavy Duty)	2	TBD	20	TBD	
Water Truck (Dust Control)	1	TBD	20	TBD	
Passenger Car/Pickup Trucks (Light Duty)	8	TBD	20	TBD	
Heavy Duty Trucks (Normal Operations)	4	TBD	10	TBD	Kenai or Ensign
Heavy Duty Trucks (Mobilization and Demobilization of Equipment)	18	TBD	2	TBD	Kenai or Ensign
Heavy Duty Trucks (Diesel Fuel Delivery for Drill Rig)	2	TBD	4	TBD	
Heavy Duty Trucks (Casing Cementing)	3	TBD	2	TBD	
Heavy Duty Trucks (Other)	2	TBD	1	TBD	
Heavy Duty Trucks (Services and Delivery)	4	TBD	3	TBD	

The following tables layout the anticipated maximum trips for the Completion / Testing and Production Phases of the Project, should this portion of the Project occur.

<i>Trips for Testing and Completion Activity</i>					
Description	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Pick-up Truck	3	TBD	10	TBD	
Downhole Pump Install	2	TBD	1	TBD	
Other Completion Work	3	TBD	1	TBD	
Heavy Duty Truck (Oil Transport)	1	TBD	TBD	TBD	

<i>Trips for Building Production Facility and Pipeline</i>					
Mobile Sources	Number	Round Trip Distance (miles)	Duration (days)	Total Miles Driven	Notes
Water Truck	1	TBD	5	TBD	
Pickup Truck - Dirt Work	2	TBD	15	TBD	Crew
Pickup Truck - Construction	3	TBD	30	TBD	Crew
Heavy Truck/Semi	3	TBD	8	TBD	Haul tanks and equipment
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to /from contractor yard
Heavy Truck/Semi	1	TBD	2	TBD	Haul equipment to /from contractor yard

<i>Trips for Daily Production</i>					
Mobile Sources	Number	Round Trip Distance (miles)	Duration (days)/yr	Total Miles Driven	Notes
Passenger Pick-up Truck	1	TBD	365	TBD	
Other Heavy Work Truck	5	TBD	15	TBD	
Heavy Duty Truck (Oil Transport)	1	TBD	TBD	TBD	Dependent on well success

The Project proposes to use existing access roads and ingress / egress from Highway 145. No additional roads, driveways, or other alterations are expected to be necessary.

20. Describe sources of noise from the project that may affect the surrounding area.

Construction and drilling are the two activities that will create noise during the Project development.

Noise - Construction

Operation of construction related equipment will generate noise. The United States Environmental Protection Agency has found that the noisiest equipment types operating at construction sites typically range from 88 dBA to 101 dBA at a distance of 50 feet. The following table lists noise levels typically generated by construction equipment that may be used during the Site Preparation Phase.

Type of Equipment	Typical Sound Level (dBA at 50 feet)
Generator	76
Air Compressor	81
Pneumatic Tools	85
Backhoe	85
Excavator	86
Dozer	87
Front-End Loader	88
Dump Truck	88
Scraper	88

Based on sound levels presented in the above table, equipment associated with the construction of the drilling site could produce noise levels in excess of 88 dBA at a distance of 50 feet from the site. However, the nearest residence is located approximately 3,600 feet northeast from the proposed project site. Using an attenuation algorithm of 6 dBA per doubling of distance (accepted technical standard), maximum outdoor noise levels are expected to be approximately 50.85 dBA at the nearest residence.

Noise - Drilling

Operation of the drilling rig will produce noise. Termo has conducted noise studies using one of the drilling rigs proposed for this project. The following table gives the results of this noise study:

Distance	Direction from Unit			
	North	East (Next to the generators)	South (Next to Pumps)	West
50 feet	101	102	98	99
100 feet	91	90	89	89
200 feet	88	86	84.5	85.5
400 feet	81.3	83.5	77	81
800 feet	71.2	72	70.2	71.2
1,000 feet	67.5	68	68	69.3
1,400 feet	63.5	62.5	63.4	62.2

Sound survey measurements presented in dBA

Based on sound levels presented in the above table, equipment associated with the drilling of the well could produce noise levels in excess of 102 dBA at a distance of 50 feet and 63.5 dBA at a distance of

1,400 feet from the site. The nearest residence is located approximately 3,600 feet northeast from the proposed project site. Using the accepted attenuation algorithm of 6 dBA per doubling of distance, the noise level at the residence located in Five Points could be approximately 55.3 dBA.

It is worth noting that the project is adjacent to Highway 145 and the closest possible sensitive receptor is in Five Points near the intersection of Highways 145 and 269. No background noise studies have been conducted in the area, but due to the proximity to the highway and the industrial activity in Five Points, background noise could be expected to be higher than in other rural areas.

Noise from daily production activities will be consistent with background noise in the area and would include personal vehicles, equipment operations, and mechanical or plumbing type work.

22. Describe the probable source(s) of air pollution from the Project.

Aspects of site construction, drilling, and oil production can produce pollution. However, the polluting aspects of these activities are regulated by both the California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Emissions

Site construction and drilling utilize diesel powered heavy equipment. All on-road heavy duty trucks will be compliant with CARBs Level 3 or greater emissions controls or other applicable diesel retro-fit regulations. The diesel generators and power sources for the drilling rig are PERP registered.

Production emissions are prevented through regular inspections and the use of a Leak Detection and Repair Program (LDAR). Production tanks will be outfitted with vapor recovery to prevent fugitive emissions.

Dust

Site preparation activities and truck traffic during the drilling phase may produce dust. The applicant proposes the following to mitigate this possibility:

- Water all active road and construction areas as needed to reduce or eliminate dust from traffic and construction.
- Cover all trucks hauling soil, sand or other loose materials or require all trucks to maintain at least two feet of freeboard.
- Actively apply water for dust control during the drilling phase.
- Apply a soil binder, gravel, or other material for dust mitigation

During the production phase, vehicle trips to the site may produce dust. Typically a maximum of one truck trip per day will be required to inspect the well during its producing life. Dust created by this daily visit

will be minimal as applicant expects to gravel the small portion of road necessary to access the production site.

Odor

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature. The drill site is over three-quarters of a mile from the nearest residence and any odors produced will be sharply diminished by the distance of travel. Additionally, odors are an unwelcome part of daily operations and Termo actively works to prevent them.

25. Proposed method of liquid waste disposal

Liquid waste would be excess water separated from the drilling mud during the drilling process and that volume of waste is expected to be approximately 1,200 to 1,900 gallons per day. All liquid waste will be stored in covered, leak proof tanks. The liquid waste will be transported to a licensed disposal facility used primarily for the disposal of oil exploration waste at the end of the Drilling Phase.

Liquid waste produced during the drilling, testing, and completion program is tested for hazardous criteria prior to shipping and disposal. Any waste exhibiting the characteristics of a hazardous waste, will be handled (stored, transported, and disposed of) according to CCR Title 22, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste.

Chemical toilets will be used onsite during the Drilling and Testing Phase and all sewage will be transported off site to an appropriate licensed disposal facility.

31. Anticipated types of solid waste

Solid waste from the site preparation phase of the Project will consist of plant material from the removal of the orchard trees. The landowner and Applicant will work together to manage this plant material ensuring it is diverted from landfill.

Solid waste from the drilling phase of the Project will consist of earthen cuttings, dehydrated drilling mud, and excess cement.

Solid waste from the completion and testing phase (if applicable) will consist of dehydrated mud.

Solid waste from the production facility construction phase (if applicable) will consist of scrap metal, wiring, cement, and other construction debris.

32. Estimated volume of solid waste per day

The estimated volume of plant material from the site preparation phase is unknown. Between 128 and 144 trees are anticipated to be removed for the initial site preparation. If the exploratory well is successful another 40 trees would be removed. No soil material is expected to be removed from the site for either phase.

The estimated volume of earthen cuttings and dehydrated drilling mud generated per day of drilling (20 day period) is approximately 1,500 lbs.

The estimated volume of waste cement from this phase is estimated to be between 4,000 lbs. and 12,600 lbs. The cement waste is generated over the span of three to four days and not during the entirety of the Project. Cement waste is dependent on down-hole variables but the Applicant endeavors to not exceed 12,600 lbs.

The estimated volume of solid waste, consisting primarily of drilling mud generated during the Completion and Testing Phase, is not expected to exceed 550 lbs. per day over a 7 day period.

Solid waste volume from the construction of the production facility is unknown.

33. Anticipated amount of waste to be recycled

Applicant will work with the agricultural company to divert and recycle the trees and vegetation removed from the site. Past practice has included chipping and the creation of mulch material or diversion for fire and bbq wood.

Drilling mud is re-used and recycled throughout the drilling process as much as possible. Liquid separated from the mud and cuttings is also recycled and continued to be used as much as possible.

Waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling requirements in CCR Title 24, Part 11 (2016).

34. Proposed method of solid waste disposal

Applicant will work with the agricultural company to divert and recycle the trees and vegetation removed from the site.

All earthen cuttings will be separated from the mud system, de-watered and stored on the location in half round bins. All liquid waste is stored in covered, leak proof tanks. The cuttings will then be hauled to a licensed waste disposal facility that handles non-hazardous waste. The drilling mud will be treated the same way. Cement will be managed as required by law.

Solid waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling CCR Title 24, Part 11 (2016).

END OF ATTACHMENT



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

- APPLICANT: The Termo Company on behalf of DLM Partners
- APPLICATION NOS.: Initial Study Application No. 7649 and Unclassified Conditional Use Permit Application No. 3653
- DESCRIPTION: Allow three exploratory petroleum oil and natural gas wells with the possibility of related oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- LOCATION: The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; or
- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal entails drilling of three exploratory petroleum oil and natural gas wells on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel. Through testing, if the initial well is determined to have economic production potential, a permanent oil production facility will be established on the property. Part of this establishment involves temporary on-site storage of crude oil and transporting it off site via tanker trucks. If exploratory drilling is unsuccessful, all wells will be plugged and abandoned in

compliance with the California Department of Conservation, Division of Oil, Gas and Geothermal Resources regulations.

The drilling operation will consist of the following equipment: 158-foot-tall drilling rig, catwalk, pipe baskets, pipe rack, mud pumps, fluid tank system, portable water tanks, wash tanks, fuel tanks, portable toilets, generator, doghouse, and temporary travel trailers. The production operation may be a combination of the following equipment: pumping unit, wellhead, crude oil storage tank, wash tank, water tank, electric-powered compressor, miscellaneous valves and pipelines, and an emergency flare.

The subject parcel is located in an agricultural area marked by relatively large parcel size with sparse residential development. The unincorporated community of Five Points is located approximately one half-mile east of the subject parcel. The nearest single-family residence in Five Points is approximately 3,600 feet and the other non-residential developments in the area are approximately 2,654 feet to 3,000 feet from the drill site.

The subject parcel fronts Mount Whitney and Trinity Avenues. Fresno-Coalinga Road (State Route 145) runs in a northeast and southwest direction near the drill site. None of these roadways are designated as scenic roads or highways in the County General Plan and there are no scenic vistas or scenic resources on or near the site to be impacted by this proposal. As part of the oil production operation, aboveground permanent structures will be installed/constructed. This includes a 29.3-foot-tall pumping unit and 20- to 25-foot-tall oil and water storage tanks. These low-height improvements, to be located on a small 1.79-acre portion of farmland, would not be highly visible from the surrounded large size agricultural parcels. As such, this proposal will have a less than significant impact on the visual character of the site and its surroundings.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Lighting on the drilling rig mast and surrounding platform will be used to provide adequate safety lighting to the drillers.

These lights have the potential to cause adverse glare effects or affect nighttime views in the area. To minimize the effects, a Mitigation Measure would require that all lighting shall be hooded and directed down toward the base of the drilling rig and/or production area so as to not shine toward adjacent properties and on public streets. Also, the drilling tower shall be lighted and marked to reduce potential conflicts with nighttime aerial application of herbicides and pesticides on adjacent agricultural lands. These requirements will be included as Mitigation Measures.

* **Mitigation Measures**

1. *All outdoor lighting shall be hooded and directed downward so as to not shine toward adjacent properties and public streets.*

2. *All portable lighting, including lights located atop the drill rig, shall be pointed downward toward the base of the rig to minimize potential glare.*
3. *All drilling towers shall be marked and lighted in such a manner as to avoid potential safety hazards to aircraft application of herbicides and pesticides on adjacent farmlands.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Fresno County Important Farmland Map 2014 classifies the subject parcel as Farmland of Statewide Importance. The subject proposal will remove 1.79 acres (78,000 square feet) of farmland from agricultural production. However, this loss would be less than significant in that the remaining 154.4 acres will remain in agricultural use, and a Mitigation Measure would require that upon cessation of the drilling or production phase, the 1.79 acres shall be returned to the original agricultural condition.

* **Mitigation Measure**

1. *When drilling operations are complete, the Applicant shall return the project site (as much as practical) to its original condition and all drilling equipment shall be removed within 90 days of termination of the drilling operations.*

- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled in the Williamson Act (Contract No. 561) program. Per the Policy Planning Section of the Fresno County Department of Public Works and Planning review of the proposal, exploratory oil/gas wells are a compatible use on lands enrolled in the Williamson Act program.

The Fresno County Agricultural Commissioner Office reviewed the proposal and requires that the Applicant shall acknowledge the Fresno County Right-to-Farm Ordinance regarding the inconveniences and discomfort associated with normal farm activities surrounding the proposed development. This requirement will be included as a Condition of Approval.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use; or
- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The subject parcel is not located in an area of forest land, nor is it zoned for Timberland Production. Approval of the proposed drilling operation and the establishment of an oil production facility on a 1.79-acre portion of a 156.2-acre parcel will not encourage the conversion of additional farmlands away from their intended uses.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or
- C. Expose sensitive receptors to substantial pollutant concentrations?

FINDING: LESS THAN SIGNIFICANT IMPACT:

This proposal was routed to the San Joaquin Valley Air Pollution Control District (Air District) for review and comments. Although the Air District provided no comments, a Project Note would require that the Applicant shall consult with the Air District for any Air District rules that may apply to the project.

- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Emissions resulting from the operation of diesel-powered generators used to power drilling equipment may produce odors. However, these activities are short term and temporary in nature. The drill site is approximately 3,600 feet from the nearest residence in Five Points, and any odors produced will be sharply diminished by the distance of travel. Impacts would be less than significant.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; or
- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: NO IMPACT:

The subject parcel is located in an agricultural area and has been previously disturbed, as said property has been historically utilized for agricultural cultivation. Neighboring properties have also been historically utilized for agricultural cultivation and, therefore, have also been previously disturbed. This proposal was referred to the U.S. Fish and Wildlife Service (USFWS), which did not identify any concerns related to the project. This proposal was also referred to the California Department of Fish and Wildlife (CDFW), which also did not identify any concerns. Therefore, no impacts were identified in regard to: 1) any candidate, sensitive, or special-status species; 2) any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS; 3) any Federally-protected wetlands as defined by Section 404 of the Clean Water Act; or 4) the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or impediment of the use of native wildlife nursery sites.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The subject proposal is not in conflict with any conservation plan, or any relevant local or regional conservation policies.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The subject parcel is not located in an area determined to be highly or moderately sensitive to archeological resources; however, the possibility of discovery remains. As such, the following Mitigation Measure has been incorporated to address cultural resources in the event that resources are identified during ground-disturbing activities.

* **Mitigation Measure**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or

- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project is unlikely to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. To minimize the potential for wasteful or inefficient consumption of energy resources, a Mitigation Measure would require that during well drilling or production operations, idling of on-site vehicles and equipment shall be avoided to the most extent possible.

* **Mitigation Measure**

1. *The idling of on-site vehicles and equipment will be avoided to the most extent possible to avoid wasteful or inefficient energy consumption during well drilling or production operations.*

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or
2. Strong seismic ground shaking; or
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Figure 9-5 of the Fresno County General Plan Background Report relating to probabilistic seismic hazards, the project site is within an area of peak horizontal ground acceleration of 20 to 40 percent. The San Andreas Fault (nearest) is over 40 miles southwest of the project site. Given the distance, any impact resulting from seismic activity would be less than significant.

4. Landslides?

FINDING: NO IMPACT:

Per Figure 9-6 of the Fresno County General Plan Background Report, the project site is not located in any identified landslide hazard area.

- B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Some soil erosion or loss of top soil may result due to the site grading to accommodate the drilling pad. However, the impact would be less than significant, as any grading performed would require a County-issued grading permit or voucher.

- C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site is not located in an area at risk of landslides or lateral spreading per Figure 9-6 of Fresno County General Plan Background Report. In addition, as this project proposes to remove oil from the ground and does not propose excessive drain on groundwater, it will have a less than significant impact on subsidence risks.

- D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

Per Figure 7-1 of the Fresno County General Plan Background Report, the project site is not located in an area where the soils exhibit moderately-high to high expansion potential.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

FINDING: NO IMPACT:

The temporary nature of drilling operation (approximately 20 days) or the production facility does not require an on-site sewage disposal system or alternative wastewater disposal system. The project will use portable toilets during drilling operations.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: LESS THAN SIGNIFICANT IMPACT:

See discussion above in Section V. CULTURAL RESOURCES.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The equipment used in the site preparation phase, drilling phase, production phase, and plugging and abandoning phase will all contribute to the production of greenhouse gas emissions. The sources are trucks and dirt-moving equipment, rig motors and pumps, including trucks servicing the well. The drilling operation will last for 20 days. Given the short drilling period, any greenhouse gas impact resulting from the project would also be short term and therefore less than significant to the environment. The greenhouse gas emissions in the production phase would be at a much-reduced rate from the construction phase. The overall greenhouse emission impact on the environment would be less than significant.

Given the scope of the project, no Greenhouse Gas Emission Analysis was required.

- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: NO IMPACT:

The project is not expected to conflict with an applicable plan, policy or regulation adopted for reducing the emissions of greenhouse gases. No project-reviewing agency expressed any concerns.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or
- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project proposes to extract, process, and transport oil. Per the Applicant's Operational Statement, solid and liquid wastes produced during drilling operations will be stored on site, tested for hazardous criteria, and transported to a licensed waste disposal facility. Any oil field chemicals used during the production phase will be stored in containers within a spill containment system.

The Fresno County Department of Public Health, Environmental Health Division reviewed the proposal and requires that facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Also, any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. Further, all hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5, and an Underground Storage Tank Removal Permit shall be obtained to remove any underground storage tank. These requirements will be included as Project Notes.

The project is not located within one quarter-mile of a school site. The nearest school, Westside Elementary School, is approximately 2.1 miles southwest of the project site (drill pad).

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

The project site is an active farm land planted in orchard and not a hazardous material site. The project will not create hazard to the public or environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an Airport Land Use Plan or within two miles of a public or private use airport. Five Point Ranch Airport, located approximately 6.3 miles west of the drill site, will not affect the project in terms of airport noise or safety hazard.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

FINDING: NO IMPACT:

The Fresno County Fire Protection District and other agencies reviewed the proposal and did not express any concerns related to emergency response plans or emergency evacuation plans.

Access to the project site will be from Fresno-Coalinga Road (State Route 145) on an existing ingress and egress. Neither State Route 145 nor any other existing dirt roads in the area that provide access to the surrounding farmlands will become incapable of providing access during emergency responses due to the project.

- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project site is not located in an identified area of wildfire hazard.

- X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Division of Oil, Gas, and Geothermal Resources reviewed the subject proposal and recommends that physical access to all on-site oil and gas wells be maintained and all oil and gas wells be abandoned in accordance with the current standards. In addition, no well work shall be performed without written approval from the Division of Oil, Gas, and Geothermal Resources.

According to the Fresno County Department of Public Health, Environmental Health Division, prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction, and the “oily water” removed from the well shall be handled in accordance with federal, state and local government requirements. These requirements will be included as Project Notes.

The subject proposal was also routed to the California Regional Water Quality Control Board. No concerns were expressed by that agency.

- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

Site preparation (grading and dust control) prior to drilling operation will require approximately 30,000 gallons of water, and the drilling operation itself will require 8,000 to 11,000 gallons of water per day. Water will be purchased from a private commercial supplier, trucked to the site, and stored in a temporary portable tank. Bottled water will be provided for human consumption.

The project site is not located in a water-short area and proposes no groundwater usage. The Water and Natural Resources Division of the Fresno County Department of

Public Works and Planning reviewed the proposal and expressed no concerns regarding availability or sustainability of water for the project.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on or off site; or
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; or
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
 - 4. Impede or redirect flood flows?

FINDING: LESS THAN SIGNIFICANT IMPACT:

No natural drainage channels run adjacent to or through the subject property.

The project will not cause significant changes in the absorption rates, drainage patterns, or the rate and amount of surface runoff with adherence to the mandatory construction practices contained in the Grading and Drainage Sections of the County Ordinance Code. As noted above, a grading permit or voucher may be required for any grading proposed with this application.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: NO IMPACT:

The subject parcel is not in an area at risk of inundation by seiche, tsunami, or mudflow.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project is not in conflict with any water quality control plan or sustainable groundwater management plan. No concerns were expressed by the Water and Natural Resources Division of the Department of Public Works and Planning, or the Regional Water Quality Control Board.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

This proposal will not physically divide a community. The nearest community of Five Points is approximately one half-mile east of the subject property.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject property is designated as Agricultural in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. The Agriculture and Land Use Element of the General Plan lists oil and gas development as non-agricultural uses permitted in areas designated Agriculture. The subject proposal will not be in conflict with any land use plan, policy, or regulation of any agency with jurisdiction over the project other than the County, and will meet the following General Plan policies:

General Plan Policy OS-C.13 and Policy OS-C.17 are met in that the extraction of oil is permitted in Fresno County with approval of an Unclassified Conditional Use Permit that is being processed concurrently with this Initial Study. Upon termination of the activities related to reclamation of oil and gas development, the project site will be converted to its primary land use as designated by the General Plan. General Plan Policy OS-C.20 and Policy HS-B.1 are met in that the nearest development (Five Points) is approximately one half-mile from the drill site. Given the distance, the project poses less than significant risk for fire hazards. General Plan Policy HS-F.1 is met in that the project will adhere to federal and state requirements regarding the handling and management of hazardous materials.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: NO IMPACT:

The subject parcel is not located in an area designated by Figure 7-7 of the Fresno County General Plan Background Report to be a locally-important mineral resource recovery site.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project would temporarily increase ambient noise in the area due to the operation of construction-related equipment and the drilling rig. Per the Applicant, a noise study conducted using the drilling rig/equipment could produce noise levels in excess of 102 dBA at a distance of 50 feet and 63.5 dBA at a distance of 1,400 feet from the site. The nearest residence in Five Points is approximately 3,600 feet east of the project site. Using the accepted attenuation algorithm of 6 dBA per doubling of distance, the noise level at the residence could be approximately 55.3 dBA. The impacts would be less than significant.

The Fresno County Department of Public Health, Environmental Health Division reviewed the subject proposal and identified no concerns related to noise.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

FINDING: NO IMPACT:

See discussion above in Section IX. E. HAZARDS AND HAZARDOUS MATERIALS.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

This proposal will not result in an increase of housing, nor will it otherwise induce population growth. Five to six temporary trailers will be used during the drilling phase of the project.

XV. PUBLIC SERVICES

Would the project:

- A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District reviewed this proposal and expressed no concerns related to fire hazards.

2. Police protection; or

3. Schools; or

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

The project will have no impact on schools, parks or other public facilities.

XVI. RECREATION

Would the project:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

This project will have no impact on neighborhood parks or require expansion of recreational facilities.

XVII. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Be in conflict or be inconsistent with the California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (b); or
- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the Applicant's Operational Statement, the project involves three phases. During the pre-drilling phase, 18 one-way (9 round trips) passenger car/truck trips will be generated. During the site preparation phase, 10 one-way (5 round trips) passenger car/truck/heavy truck/semi trips will be generated. During the drilling phase, 90 one-way (45 round trips) passenger car/heavy duty truck trips will be generated. During the completion/testing and production phase, 54 one-way (27 round trips) pick-up truck/heavy truck/semi trips will be generated.

The Design Division and Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning reviewed the subject proposal and identified no concerns related to traffic. The California Department of Transportation (Caltrans) also reviewed the proposal and requires the following as Conditions of Approval: a transportation management plan (as the trip for drilling activity may impact the peak hours); an encroachment permit; repair and replacement of any damaged pavement at the site access; and cleaning of roadways from construction activities. Further, shoulder backing at the site access shall be constructed with an encroachment permit.

- D. Result in inadequate emergency access?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project activities will not result in blocking any roadways or traffic movement in the area or result in inadequate emergency access to the site. The site is accessible in emergencies from Mount Whitney Avenue, Trinity Avenue, and State Route 145.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? (In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION
INCORPORATED:

Per Assembly Bill 52 (AB52), participating Native American Tribes were provided the opportunity to review and enter consultation with the County regarding the project proposal. A response received from the Santa Rosa Rancheria Tachi Yokut Tribe expressed concerns with the project's impact on tribal cultural resources and requested that their suggested Mitigation Measures regarding Tribal Monitoring be included in the project. Although no documents or evidence were provided by the Tribe that would suggest the presence of tribal cultural resources on the project site, Mitigation Measures have been included in the project to address the Tribe's concerns related to this proposal. Staff believes that with the implementation of Mitigation Measures noted below and the Mitigation Measure noted above in Section V. CULTURAL RESOURCES in this analysis, the project will have a less than significant impact on tribal cultural resources.

* **Mitigation Measures**

1. See Section V. A. B. C. D. Cultural Resources Mitigation Measure.
2. *Forty-eight (48) hours prior to any ground-disturbing activities within the Area of Potential Effect (APE), such as digging, trenching, or grading, the Applicant shall notify all tribes that participated in consultation of the opportunity to have a certified Native American Monitor inspect the site prior to and be present during all ground-disturbing activities both during construction and decommissioning. The certified Native American Monitor may provide pre-construction briefings to supervisory personnel and any excavation contractor, which will include information on potential cultural material finds and on the procedures to be enacted if resources are found. The notification shall be by email to the following person: Shana Powers, Santa Rosa Rancheria Tachi Yokut Tribe at spowers@tachi-yokut-nsn.gov. The tribal monitors shall be independently insured in order to enter the construction zone.*

3. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted within 100 feet of the find. A qualified Archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations, including, but not limited to, excavation of the finds and evaluation of the finds in accordance with §15064.5 of the CEQA Guidelines. The County of Fresno, along with other relevant or Tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Any archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. Any findings shall be submitted by the archaeologist in a professional report to the project Applicant, the County of Fresno and the California Historical Resources Information System, Southern San Joaquin Valley Information Center.*

4. *If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours. The Commission shall identify the person believed to be the Most Likely Descendant (MLD), who shall have at least 48 hours from notification of the find to comment. The human remains and associated or unassociated funerary objects shall be treated per CEQA Guidelines Sec. 15064.5(d). If the MLD and the other parties do not agree on the reburial method, the Project shall follow PRC Section 5097.98(e).*

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS. Additionally, the project would not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

FINDING: NO IMPACT:

See discussion in Section X. B. HYDROLOGY AND WATER QUALITY.

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

FINDING: NO IMPACT:

See discussion above in Section VII. E. GEOLOGY AND SOILS.

- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per the Applicant's Operational Statement, agricultural companies will recycle green waste resulting from removal of trees and vegetation on the property. All earthen cuttings and drilling mud will be hauled to a licensed waste disposal facility that handles non-hazardous waste. All cement waste will be managed as required by law. Waste generated from the site construction for the production phase will be managed in accordance with the Construction Waste Reduction Disposal and Recycling requirements in CCR Title 24, Part 11 (2016).

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

See discussion above in Section XV. A. 1. PUBLIC SERVICES.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will have no impact on biological resources. Impacts on cultural resources have been reduced to a less than significant level with the incorporation of a Mitigation Measure discussed above in Section V.A.B.C.D. CULTURAL RESOURCES. Additional mitigation measures are included in Section XVIII. TRIBAL CULTURAL RESOURCES.

- B. Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will adhere to permitting requirements, rules and regulations set forth by the San Joaquin Valley Air Pollution Control District; the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR); and the California Regional Water Quality Control Board (RWQCB). No cumulatively considerable impacts were identified in the analysis other than Aesthetics, Agricultural and Forestry Resources, Cultural Resources, Energy and Tribal Cultural Resources, which will be addressed with the Mitigation Measures discussed in Section I. D., Section II. A., Section V. A. B. C., Section VI. A. B. and Section XVIII. A. of this report.

- C. Have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

FINDING: NO IMPACT:

No substantial adverse impacts on human beings were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon Initial Study No. 7649 prepared for Unclassified Conditional Use Permit Application No. 3653, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to biological resources, mineral resources, population and housing, public services, recreation and utilities and service systems.

Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise have been determined to be less than significant.

Potential impacts relating to aesthetics, agricultural and forestry resources, cultural resources, energy and transportation have been determined to be less than significant with the identified Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

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File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7649	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Ejaz Ahmad, Planner	Area Code: 559	Telephone Number: 600-4204	Extension: N/A
Applicant (Name): The Termo Comapny	Project Title: Unclassified Conditional Use Permit Application No. 3653		
Project Description: Allow three exploratory petroleum oil and natural gas wells with the potential for an oil production facility on a 1.79-acre (78,000 square feet) portion of a 156.2-acre parcel (160 acres gross) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject parcel is located on the south side of Mount Whitney Avenue, approximately 2,620 feet west of its intersection with Lassen Avenue (State Route 269) and one half-mile west of the unincorporated community of Five Points (SUP. DIST. 4) (APN 050-130-75S).			
Justification for Mitigated Negative Declaration: Based upon the Initial Study (IS 7649) prepared for Unclassified Conditional Use Permit Application No. 3653, staff has concluded that the project will not have a significant effect on the environment. No impacts were identified related to biological resources, mineral resources, population and housing, public services, recreation and utilities and service systems. Potential impacts related to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise have been determined to be less than significant. Potential impacts related to aesthetics, agricultural and forestry resources, cultural resources, energy and transportation have been determined to be less than significant with the included Mitigation Measures. The Initial Study and Mitigated Negative Declaration (MND) is available for review at 2220 Tulare Street, Suite A, Street Level, located on the southeast corner of Tulare and "M" Street, Fresno, California.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – September 20, 2019		Review Date Deadline: Planning Commission – October 24, 2019	
Date: September 17, 2019	Type or Print Name: Marianne Mollring, Senior Planner	Submitted by (Signature):	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 October 24, 2019

SUBJECT: Variance Application No. 4078

Allow the creation of two 2.23-acre parcels from an existing 4.46-acre legal non-conforming parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the southeast corner of South Frankwood and East Jefferson Avenues, approximately two and one half-miles north of the nearest city limits of the City of Reedley (5530 South Frankwood Avenue) (SUP. DIST. 4) (APN 360-130-01).

**OWNER/
APPLICANT:** Ray Remy

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4078; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variances Map
6. Site Plan
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	4.46 acres	Proposed Parcel A: 2.23 acres Proposed Parcel B: 2.23 acres
Project Site	4.46-acre parcel improved with a single-family residence	See above Parcel Size
Structural Improvements	The subject parcel is improved with a 2,106 square-foot single-family dwelling with a 907 square-foot garage	If the Variance is approved, subsequent development would include one additional 1,500 square-foot single-family dwelling unit, with a 1,200 square-foot detached garage on proposed Parcel B, according to the Applicant's site plan and submitted variance findings
Nearest Residence	Approximately 220 feet north of the northern boundary of the subject property	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 22 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

BACKGROUND INFORMATION:

According to available records, the subject parcel was created as Lot No. 95 of the Columbia Colony Re-subdivision, recorded February 1908 in Book 4, Page 15, Record of Surveys. The subject parcel was rezoned from A-1 (General Agricultural) to its current AE-20 Zoning as part of Amendment Application (AA) No. 2870, which involved a large-scale County-initiated rezone, approved August 31, 1976.

The current Variance request, submitted on August 1, 2019, proposes to allow the division of the subject 4.46-acre parcel into two 2.23-acre parcels, Parcel A and Parcel B. If this Variance is approved, it is the intention of the property owner to build a new single-family dwelling on Parcel B as their new primary residence, leaving Parcel A with the existing single-family dwelling for the owners use or conveyance.

At least 4 variance requests have been processed within one half-mile of the subject property. Those 4 variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 2791 – Allow the creation of two (2) 2.57-acre parcels from a 5.14-acre parcel in the AE-20 Zone District.	Denial	PC Denied	September 8, 1983
VA No. 2980 – Allow the creation of a 0.94-acre parcel with a lot width of 116 feet (165 required) from a 21.17-acre parcel, and allow a 16-foot rear-yard setback for an existing residence in the AE-20 Zone District.	Approval	PC Approved	February 13, 1986

VA No. 3142 – Allow a 20-foot front-yard setback for employee housing under construction on a 76.67-acre parcel in the AE-20 Zone District.	Denial	PC Approved	April 4, 1988
VA No. 3588 – Allow the creation of a 1.38-acre parcel from a 27.76-acre parcel in the AE-20 Zone District.	Approval	PC Approved	September 18, 1997

ANALYSIS/DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	AE-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel A (Approx. 2.23 acres):</u> Front: 35 feet Side: 20 feet Rear: 20 feet <u>Parcel B (Approx. 2.23 acres):</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel A:</u> Yes <u>Parcel B:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals, which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	N/A	N/A	N/A

Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	<p>There is currently a septic system on site (proposed Parcel A). There is also a domestic water well located on proposed Parcel A, and if the Variance is approved and the parcel is divided, the existing well will be located approximately 73 feet 6 inches from the proposed property line, and more than 100 feet from the existing septic system.</p> <p>There will be an additional well installed on proposed Parcel B which will be located 73 feet 6 inches from the proposed property line.</p> <p>Any existing or proposed water wells will be required to meet minimum setbacks (separation) from existing or proposed septic systems. Proposed Parcel B will have a new septic system which will meet the minimum 50-foot setback required from a property line bordering private property.</p>	

Reviewing Agencies/Department Comments:

Zoning and Permit Review Section of the Fresno County Department of Public Works and Planning: If this Variance is approved, a subsequent mapping procedure will be required. Any new septic system or expansion of an existing system will be subject to the provisions of the Fresno County Local Area Management Program (LAMP).

Development Engineering Section of the Fresno County Department of Public Works and Planning: Jefferson Avenue is classified as a Local road with a 20-foot right-of-way south of the centerline along the parcel frontage, per the Plat Book. Jefferson Avenue is County maintained, and records indicate that this section of Jefferson Avenue, from Frankwood Avenue to Columbia Avenue, has an Average Daily Traffic (ADT) count of 300, a paved width of 16 feet, a structural section of 0.25 feet Road Mix Surface (RMS), and is in poor condition.

Frankwood Avenue is classified as a Collector road with a 30-foot right-of-way east of the section line along the parcel frontage, per Plat Book. Frankwood Avenue is County maintained, and records indicate that this section of Frankwood Avenue, from Jefferson Avenue to Lincoln

Avenue, has an Average Daily Traffic (ADT) count of 2,100, a paved width of 24 feet, a structural section of .25 feet AC/.35 feet AB/.8 feet IB and is in good condition.

If not already present, ten-foot by ten-foot corner cut-offs should be improved for sight distance purposes at all driveways accessing Frankwood Avenue and/or Jefferson Avenue.

If not already present, 30-foot by 30-foot corner cutoffs shall be improved at the intersection of Frankwood Avenue and Jefferson Avenue for sight distance purposes.

Access driveways for any new development along a Collector shall provide turnaround facilities so that vehicles do not back out onto the roadway.

Typically, any access driveway should be set back a minimum of ten feet from the street-side property line.

Any work done within the County right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.

According to FEMA, FIRM Panel No. 2190H, portions of the parcel are in Zone A, which is subject to flooding from the one-percent-chance (100-year) storm. If any development is proposed within the area identified a Zone A, it must comply with the County Flood Hazard Ordinance (Title 15.48). According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject property.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that the subject property has been utilized as a residential and agricultural parcel since 1985, and that an approximately 3.0-acre portion of the property contained a productive stone fruit orchard until fruit production began to decline due to the age of the trees, and there was no longer a viable commercial crop produced. The property owners intended to plant new trees; however, it was discovered that the soil was contaminated with nematodes, which require fumigation, and permits for such fumigation have been denied due to the toxic nature of the fumigant and proximity of other residences. The property is too small to support enough crop yield for viable agricultural production, and soil contamination makes crop production impracticable.

Regarding Finding 1, there is considerable variation in parcel sizes in this area; however there are no obvious physical characteristics particular to the property that are exceptional or extraordinary. The soil contamination may be interpreted as an exceptional condition on the property; however, staff is unable to determine whether the inability to obtain fumigation permits can be remedied in the future, or if there are viable alternatives to addressing the soil contamination, other than fumigation, which would correct the condition. Based on the above analysis, staff is unable to make Finding 1.

In support of Finding 2, the Applicant's findings state that the property owners wish to reside on a portion of the property created by the proposed parcel split. Without the parcel split, the eastern portion of the property will likely remain vacant and unproductive. The parcel split would allow the original residence to remain and enable the construction of another residence on the resultant parcel. Additionally, according to the Applicant's findings, there are approximately 29

parcels of 2.50 acres or smaller being utilized as rural residential homesites within one mile of the subject property; thus, the approval of this Variance would allow the property owner to enjoy the same property rights enjoyed by other property owners in the vicinity residing on similarly-sized parcels.

Regarding Finding 2, staff does not agree that the restriction on being able to subdivide the parcel because a portion of it is not farmable constitutes the deficit of a substantial property right, requiring the granting of a Variance to fulfill. The minimum parcel size that may be created in the AE-20 Zone District is 20 acres; accordingly, a property owner may not create parcels with less than the 20-acre minimum parcel size if they do not meet certain criteria, which are not met and do not apply in this case. Thus, the inability of the property owner to create a parcel or parcels less than the minimum 20 acres required in this zone district does not itself constitute the deficit of a substantial property right, and other property owners in the vicinity are subject to the same requirements and restrictions with respect to the creation of a substandard-size lot.

In this case, staff does acknowledge that the loss of a portion of the subject parcel formerly dedicated to agricultural production due to soil contamination could be interpreted as constituting an economic hardship; however, staff does not believe that it would constitute the deficit of a property right to be rectified by the granting of the Variance.

General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size required per the acreage designation in areas designated as Agriculture, based on concerns that these smaller parcels are less viable economic farming units, and that increased residential density would conflict with surrounding agricultural uses; moreover, Policy LU-A.7 states that “evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community”.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could simply leave that portion of the parcel formerly dedicated to the orchard undeveloped. It is unknown whether the current condition of the soil, as described by the Applicant, renders the land unusable for agricultural production indefinitely. See discussion of General Plan Policy LU-A.7 under Finding 4 below.

If this Variance is approved allowing the creation of the two 2.23-acre parcels, each of those resulting parcels could potentially be developed with two residences, with the appropriate discretionary approval, which would increase residential density, thereby conflicting with General Plan Policy as previously discussed .

Therefore, based on the preceding analysis, staff was unable to identify any unique or exceptional circumstances, or conditions applicable to the subject property, nor the deficit of a substantial property right. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: *The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	4.46 acres	Single-Family Residential	AE-20	Approximately 230 feet
South	2.37 acres	Single-Family Residential	AE-20	Approximately 215 feet
East	9.65 acres	Orchard/Single-Family Residence	AE-20	Approximately 250 feet
West	76.67 acres	Orchard	AE-20	Approximately one half-mile

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: The Applicant is proposing to install a new sewage disposal system to serve the new residence. The sewage disposal system shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact the Department of Public Works and Planning at (559) 600-4540 for more information.

It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and leach line evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. Contact the Building and Safety Section at (559) 600-4540 for more information.

If any underground storage tank(s) are found during construction, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

The water well contractor selected by the Applicant or future property owner will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately-licensed contractor (permits required).

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Any additional runoff generated by development of the site cannot be drained across property lines and must be retained on site, or be disposed of per County standards.

A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application. Development exceeding 1,000 cubic yards of material may require an engineered grading and drainage plan.

Fresno County Fire Protection District: No fire department requirements at this time.

Alta Irrigation District: No comment.

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not impact other properties in the vicinity because the division of the parcel will result in two parcels of similar size to surrounding properties.

Concerning Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into two parcels, the second of which will develop with a single-family dwelling. As such, there would be an increase in residential density, necessitating the installation of an additional domestic well and septic system to serve the future development. Staff also notes that the AE-20 Zone District allows for a residential density of not more than one single-family dwelling per unit of acreage designation, e.g., no more than one dwelling unit on a parcel that is less than 5 acres in the AE-5 Zone District, or less than 20 acres in the AE-20 Zone District, except that a second dwelling unit may be allowed subject to discretionary approval, per Section 816.2 of the Zoning Ordinance. Therefore, if this Variance were approved, the owner(s) of each resultant parcel could be allowed a second residence, if so desired, subject to a Director Review and Approval, which could result in up to four (4) residences on the two proposed parcels.

This Variance request, if granted, would allow the division of a 4.46-acre parcel into two equal-size parcels, each containing approximately 2.23 acres. According to the Applicant's Variance Findings, if the Variance is approved, one of the resulting parcels would be developed with a new single-family residence, and an additional well and septic system that would allow them to function independently of each other.

Staff believes that there will be no adverse impacts on neighboring properties; therefore, Finding 3 can be made.

Recommended Conditions of Approval:

See recommended Conditions attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

***Finding 4:** The granting of such a variance will not be contrary to the objectives of the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of two smaller parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.9: The County may allow the creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <ul style="list-style-type: none"> a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and b. One of the following conditions exists: <ul style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related 	<p>Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot or homesite parcel.</p>

Relevant Policies:	Consistency/Considerations:
<p>to the owner by adoption, blood, or marriage within the second degree of consanguinity, and there is only one (1) gift lot per twenty (20) acres; or</p> <p>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</p> <p>Each homesite created pursuant to this policy shall reduce by one (1), the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <p>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required.</p> <p>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts would extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation</p>	<p>Review by the Water and Natural Resources Division has determined that the subject parcel is not in an area defined as being water short.</p>

Relevant Policies:	Consistency/Considerations:
must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.	

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Agriculture in the General Plan. Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture. Additionally, General Plan Policy LU-A.7 states that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject property is not located within an area defined as being water short.

Analysis:

In support of Finding 4, the Applicant states that the subject parcel is already non-conforming with the underlying zoning, and the area around the subject property has been developed over time with the addition of substandard-sized parcels improved with single-family dwellings. These parcels are more consistent with rural residential development than with the underlying agricultural zoning, and development in the area has not been in conformance with the Zoning Ordinance regarding restrictions on the creation of substandard-size parcels. Additionally, the proposal is consistent with the General Plan, which promotes conservation of productive and potentially-agricultural lands, as the subject parcel has limited agricultural potential, and would be better suited to residential uses.

Staff notes that General Plan Goal LU-A is “to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural support services and agriculturally-related activities that support the viability of agriculture and further the County’s economic development goals.” The subject parcel is designated as Farmland of Statewide Importance, which is described as Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Staff does not concur with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. The General Plan contains certain policy provisions which allow for the creation of substandard-sized lots for the creation of homesite parcels, subject to certain specific criteria. Specifically, Policy LU-A.9 provides for an exception from the requirements of the minimum parcel size designation where those specific criteria are met. The relevant policies and criteria are listed in the preceding table.

In the case of this application, the subject parcel does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard-size lot. Additionally, Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, the Policy states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception (see discussion under Finding 2). Lastly, the proposal to split the parcel is not consistent with General Plan Goal LU-A, as noted above.

Based on the above analysis, Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff does not believe Findings 1, 2, and 4, required for granting the Variance, can be made. Staff therefore recommends denial of Variance No. 4078.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4078; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4078, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

JS:ksn

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**Variance Application (VA) No. 4078
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the property shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	<p>Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that “Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance.” These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	All abandoned water wells and septic systems on the subject parcel or resultant parcels shall be properly destroyed by an appropriately-licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
4.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state and local government requirements. Contact the Water Surveillance Program at (559) 600-3357 for more information.
5.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
6.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).

EXHIBIT 1

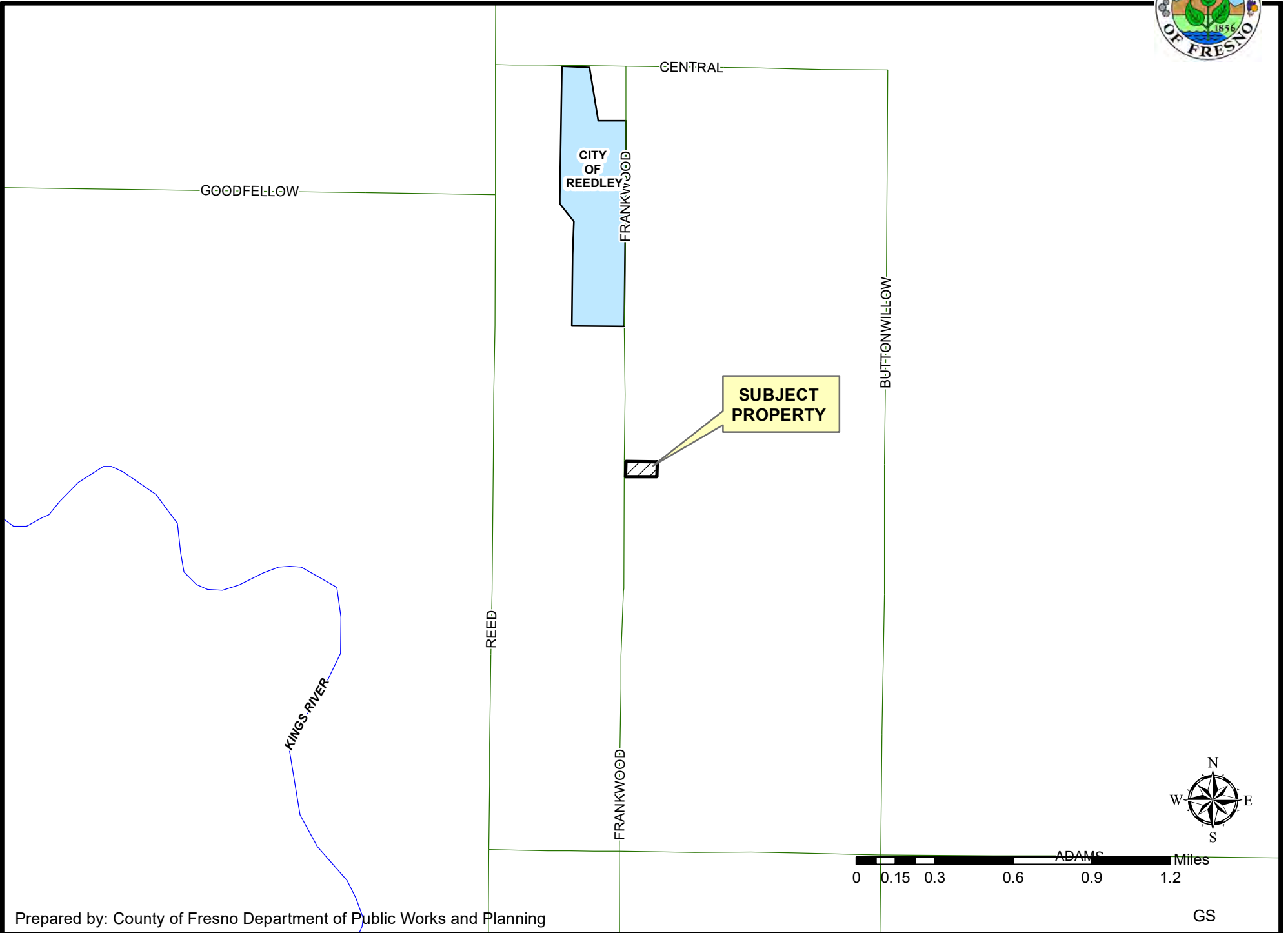
Notes

7.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
8.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.

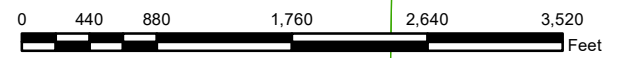
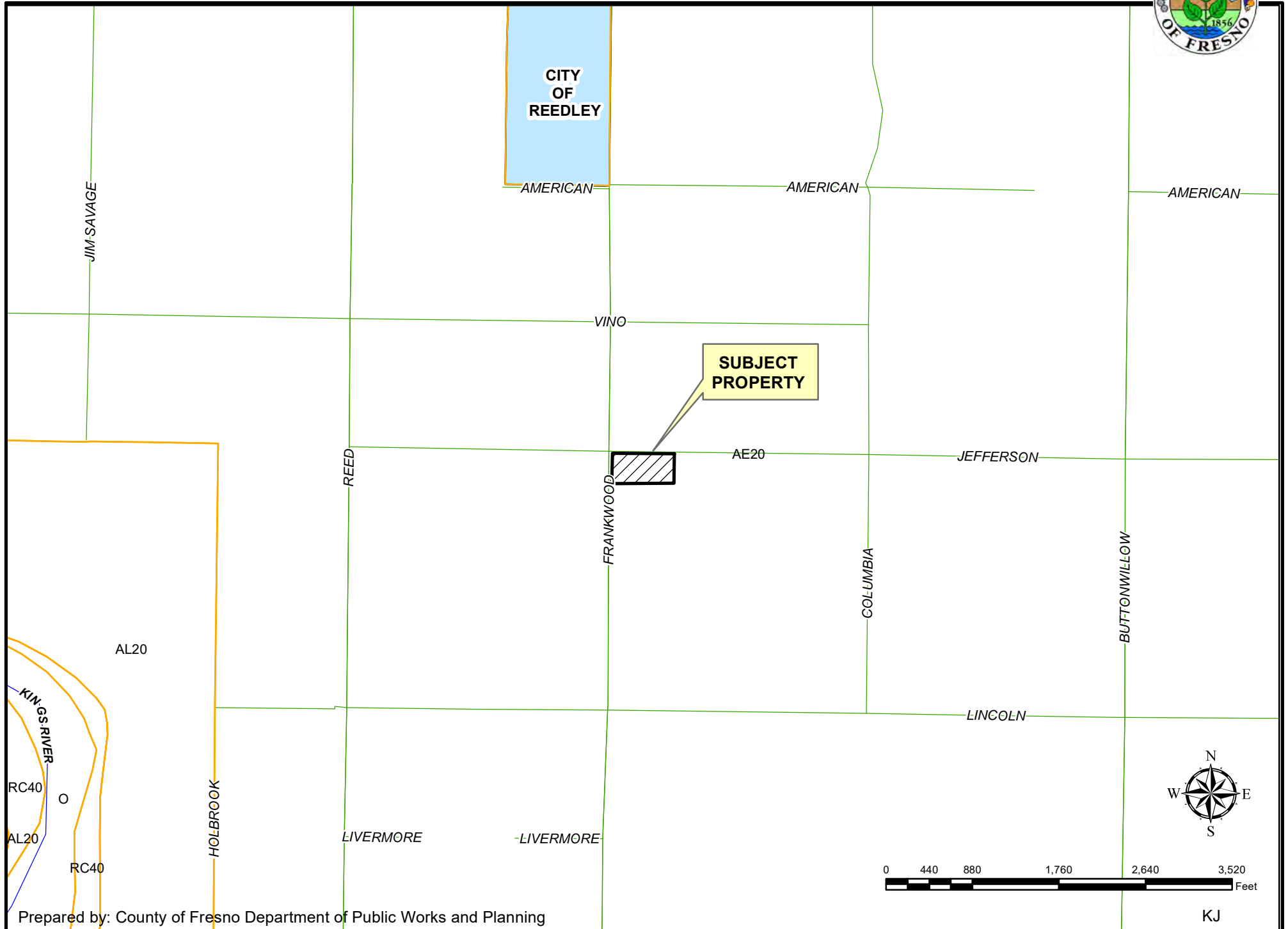
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LOCATION MAP



EXISTING ZONING MAP



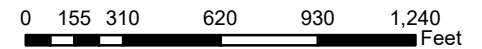
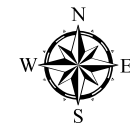
EXISTING LAND USE MAP



LEGEND
ORC - ORCHARD
SF# - SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

- Subject Property
- Ag Contract Land



Map Prepared by: GS
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 Maps\Landuse\

Department of Public Works and Planning
 Development Services Division

APPROVED VARIANCES WITHIN A HALF MILE RADIUS

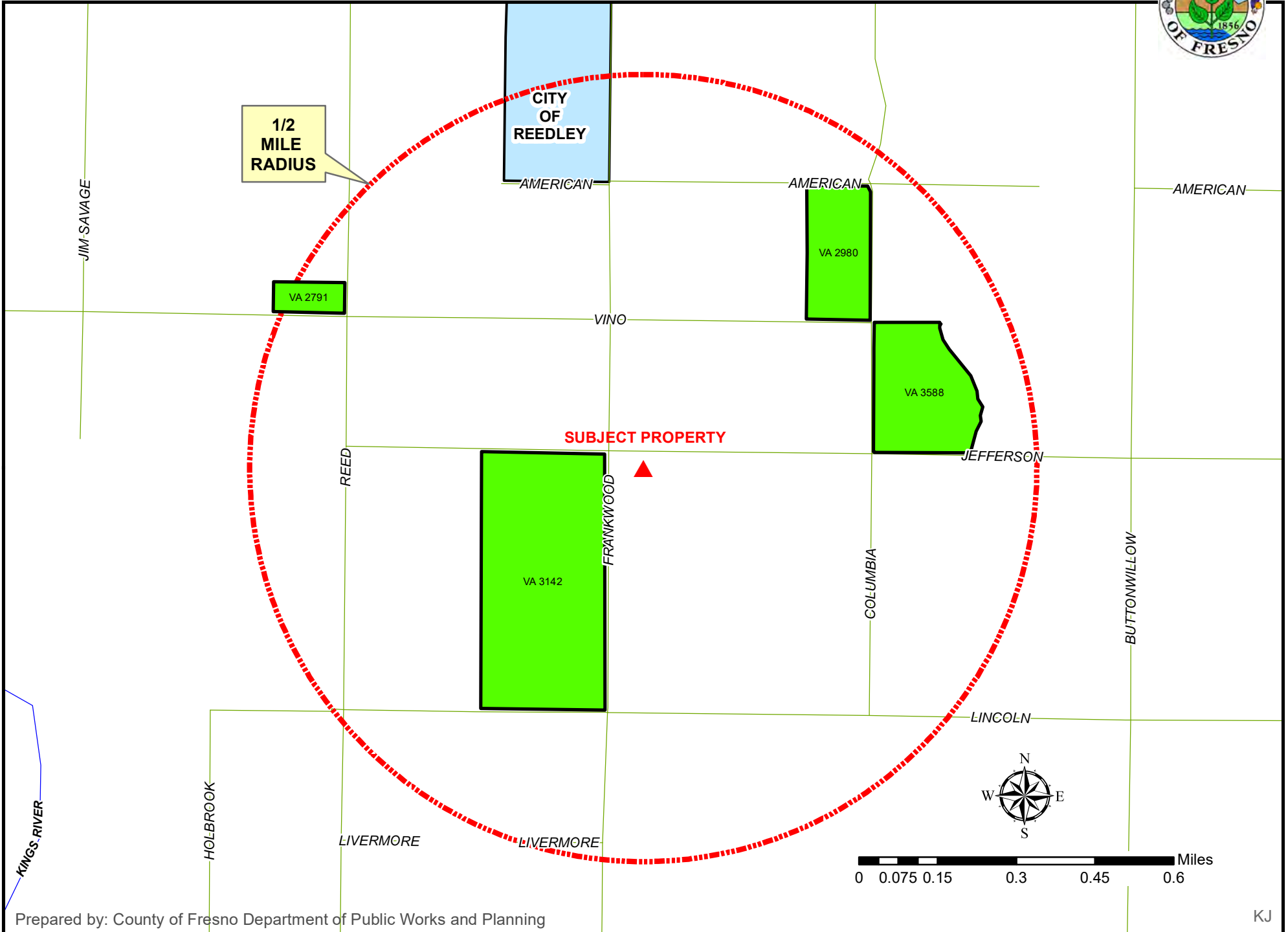


EXHIBIT 5

REVISION:	BY:

APN 360-130-01
 LOT SQUARE FOOTAGE

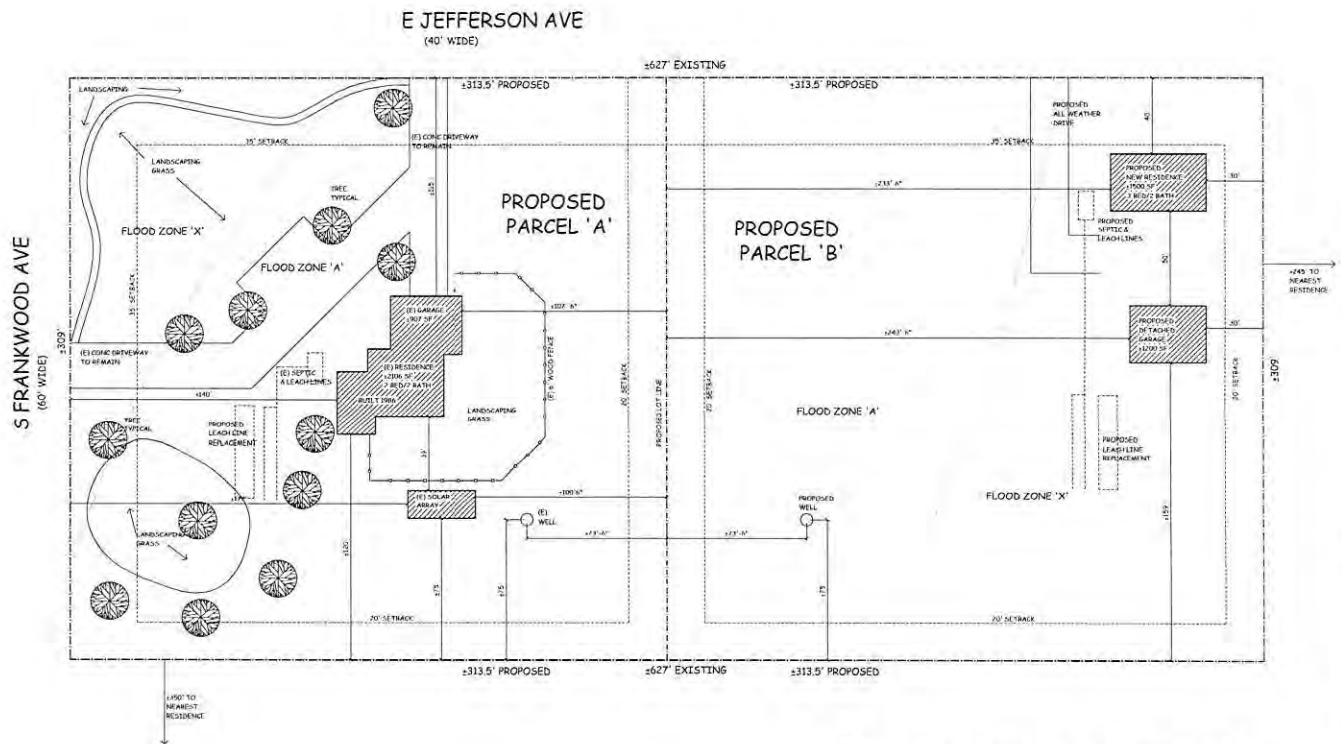
EXISTING	4.46 AC
PROPOSED PARCEL 'A'	2.23 AC
PROPOSED PARCEL 'B'	2.23 AC

BARTEL CONSTRUCTION, INC
 42510 ROAD 48, REEBLEY, CA 93864
 PH: 559-899-6793
 LIC NO. 952690
RAYMOND BERRY CA 93864
 5530 S FRANKWOOD AVE
 559-285-0200 (RAYMOND)

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 Drafting & Design Services
 (559) 300-7661
 mfc@print3@gmail.com

INDEX

PROJECT:	MFC
DATE:	MFC
SCALE:	MFC
DATE:	
DEPT. NO.:	
	1
	10



PROPOSED SITE PLAN
 SCALE 1" = 30'-0"

5530 South Frankwood Avenue, Reedley CA 93654

VARIANCE FINDINGS

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.***

The subject +/- 4.38 acre property has been the rural single family residence of the Remy family with a stone fruit orchard since 1985 when the house was built and the +/- 3 acre orchard was planted.

The stone fruit trees were productive for approximately twenty-five years and then, due to the age of the trees, the fruit production amount was reduced until it was no longer viable as a commercial crop.

The property owners planned to plant a new orchard but the soil is contaminated with nematodes which requires fumigation but agricultural permits for soil fumigation have been denied due to the toxic nature of the fumigant and proximity of nearby residences. There are two rural residential parcels immediately adjacent to the south side of the property and several more in the immediate area.

This Finding can be made because the property is too small to support enough crop yields for viable agricultural production operation and the contamination of nematodes makes agricultural crop production impracticable.

- 2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the application, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.***

The property owners would like to remain living on a portion of their property by building a smaller residence and don't need the +/- 4.38 acres of which, without a parcel split, the majority of the area would be left open and unproductive. The proposed split into two parcels would allow the original residence to remain for another occupant and a smaller residence to be constructed for the property owners.

Within the one mile quadrant, with the center being the intersection of E Jefferson and S Frankwood, (between American, Reed, Lincoln and Columbia) where the property is located, there are at least 29 parcels of +/- 2.50 acres or smaller in size that are rural residential home sites.

This Finding can be made due to fact that with a Variance the property owner will be allowed to preserve and continue to enjoy the property right that numerous property owners in the area possess by residing on a parcel of similar size.

5530 South Frankwood Avenue, Reedley CA 93654

VARIANCE FINDINGS

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Since there are numerous similar size parcels in the immediate area of the property, splitting of the +/- 4.38 acre parcel will not adversely affect the use or enjoyment of the other properties in the area.

This Finding can be made since the property would be two rural residential home sites, adjacent to two existing of similar size rural residential parcels that are not unlike those in the surrounding area therefore, the split will not be materially detrimental to the public welfare or injurious to properties in the vicinity.

4. The granting of such a Variance will not be contrary to the objectives of the General Plan.

The subject parcel is already non-conforming with the underlying zoning and the area around the subject property has been developing over the last three decades with the addition of rural residential parcels which have not been strictly in conformance with the underlying zoning but allowed with Variances for parcel maps and, in one case, a subdivision of ten +/- 2.50 acres parcels.

This Finding can be made although the General Plan “promotes the long-term conservation of productive and potentially productive agricultural lands” the subject parcel has very limited productive agricultural potential, can only yield a limited property tax value for a crop, as such, will be better suited to support an additional rural residential use which is a land use that commonly exists in the general area surrounding of the subject parcel.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 October 24, 2019

SUBJECT: Variance Application No. 4068

Allow reduction of the side-yard setback to 3 feet (10-foot minimum required) and rear-yard setback to 8 feet 7 inches (20-foot minimum required) for an existing unpermitted 330 square-foot accessory housing unit, recognize the 7-foot side-yard setback for the existing single-family dwelling, and waive the maximum lot coverage to increase lot coverage to 36.3 % (30% maximum allowed) on a 9,583 square-foot parcel in the R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located on the south side of East Kings Canyon Road, approximately 420 feet east of its nearest intersection with South Sunnyside Avenue, in a County island within the city limits of the City of Fresno (5848 E. Kings Canyon Road) (Sup. Dist. 5) (APN 474-042-11).

OWNER: Owen and Sharlene Werzinski
APPLICANT: Steven Ohanesian

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Approve Variance No. 4068 with recommended Findings and Conditions; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. One Quarter-Mile Variance Radius Map
6. Site Plans and Detail Drawings
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	County-adopted Roosevelt Community Plan: Low-Density Residential	No change
Zoning	R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District	No change
Parcel Size	0.22 acres (9,583 square feet)	No change
Project Site	N/A	N/A
Structural Improvements	Single-Family Residence and unpermitted Accessory Housing Unit	Permitted Accessory Housing Unit
Nearest Residence	Approximately 42 feet northwest of accessory housing unit	No change
Surrounding Development	Single-family residential	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	No change

Criteria	Existing	Proposed
Lighting	Residential	No change
Hours of Operation	N/A	N/A

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 108 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

The decision of the Planning Commission on a VA Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The existing 0.22-acre (9,583 square feet) parcel does not currently conform to the 20,000 square-foot minimum parcel size established by the R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District. Although the subject parcel is nonconforming with the existing zone district standards, the parcel is considered legal nonconforming, as the parcel has been in this original configuration since 1959. The current zoning for the subject parcel changed after the single-family residence and accessory building were built, creating conflicts between the current zone district and what is present on the property.

The subject parcel first appears in the Sunnywood No. 3 Tract No. 1687 Tract Map, which was recorded on January 26, 1959. The parcel configuration has not changed since the Tract Map was recorded. On June 8, 1960, the Board of Supervisors adopted the Fresno County Zoning Ordinance and the subject parcel was zoned R-A (Single-Family Residential – Agricultural District). Amendment Application No. 3148 (AA No. 3148) rezoned property located within the County-adopted Roosevelt Community Plan to be consistent with land use designations in the Roosevelt Community Plan. The Board of Supervisors approved AA No. 3148 on September 20, 1980, and the subject parcel was rezoned to the R-1-AH (Single-Family Residential, 20,000 square-foot minimum parcel size) Zone District.

Building permit records indicate that building permits for the existing single-family residence were originally issued on February 28, 1967. Those permits and other building permits related to completion of the single-family residence subsequently expired. On February 20, 1992, the

subject building permits for the single-family residence and detached storage building were finalized. A memo dated December 3, 1990, indicates that the conversion of the accessory building had occurred prior to the date of the memo. In 2010, a preliminary notice of violation was issued as a result of a Health Department complaint (VI 10-102667). Based on the investigation, the detached storage building was reconverted to an accessory dwelling unit to conform to the building permits for the single-family residence and detached storage building in 1992.

Conflicts related to lot coverage and side-yard setbacks have been identified by staff. For the purposes of setbacks, an accessory building with living space is considered a main building per the Fresno County Zoning Ordinance. The Accessory Housing Unit currently encroaches into the rear-yard and side-yard setbacks. If the proposed Variance is approved, the project will reduce the side-yard setback to three (3) feet (10 feet required), reduce the rear-yard setback to eight feet seven inches (20 feet required) and increase the lot coverage of the subject parcel to 36.3% (30% maximum allowed).

According to the Applicant and based on the submitted deed, ownership transfer to the current property owners took place on August 4, 2017. A permit application for a service panel change-out for the single-family residence was sought by the property owner on February 16, 2018, which prompted the current notice of violation from Fresno County Code Enforcement. The violation was for the construction of a two-story building without plans, permits, or inspections.

Upon further investigation and information from the property owner, a kitchen and bathroom have been added to the existing accessory building. As the building is now being used for living space, the building is not considered an accessory building. Therefore, the building cannot be located in established setbacks of the zone district. The property owner was advised that if the building were to remain, he would be required to receive approval of a Variance to encroach into the setbacks for the proposed Accessory Housing Unit. Code Enforcement staff closed Violation File No. 10-102667 so that a new violation file (VI 18-101524) could be opened and the violation could be updated to reflect the information given by the new property owner.

Additional development standards for the zone district have been identified as being non-compliant, including lot coverage and side-yard setbacks for the existing single-family residence. As mentioned, building permit records for the single-family residential unit were originally pulled on February 28, 1967. Fresno County Assessor records also indicate the construction occurred during 1967. Variance No. 843 (VA No. 843) was approved on August 25, 1960 to recognize substandard-sized lots in recorded subdivisions allowing divisions using existing lot lines on lots zoned R-A. The intent of VA No. 843 was to provide recognition of legal non-conforming status to land that was a part of a subdivision, as development standards of the R-A Zone District were not met.

For an unknown reason, the single-family residential unit was built encroaching into the eastern side-yard setback and exceeding the lot coverage maximum established under the R-A Zone District. Existing building permit records do not indicate the reasoning or any alternative development standard to explain the allowance of construction of the single-family residential unit inside the side-yard setback and exceeding the maximum lot coverage. The Variance request will allow the existing side-yard setback encroachment issue and lot coverage of the single-family residence and accessory building to be resolved.

There have been two (2) variances that have been applied for within a one quarter-mile radius of the project site that are related to the subject application.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2845: Allow a 7-foot side-yard setback (10-foot minimum) for a single-story garage on a 0.35-acre parcel in the R-1-AH Zone District.	July 19, 1984	Deferred to Planning Commission	PC Approved
VA No. 3565: Allow an existing accessory structure with a rear-yard setback of 10 feet (20-foot minimum) and a plate height of 16 feet (12-foot maximum) in the R-1-AH Zone District.	May 6, 1997	Deferred to Planning Commission	PC Approved

Although there is a history of variance requests within proximity of the subject parcel, each Variance request must be considered on its own merit, based on unique site conditions and circumstances.

Finding 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.*

Finding 2: *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	R-1-AH Front: 35 feet Side: 10 feet Rear: 20 feet	Front: 35 feet Side: 3 feet Rear: 8 feet 7 inches	N
Parking	One parking space for every dwelling unit	Existing two-car garage	Y
Lot Coverage	30 percent	36.3 percent	N
Space Between Buildings	6 feet	6 feet	Y
Wall Requirements	N/A	N/A	Y
Septic Replacement Area	100 percent replacement	N/A	Y
Water Well Separation	Community Water and Sewer/City of Fresno Services	N/A	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Building and Safety Section of the Fresno County Department of Public Works and Planning: The property has been under violation since 2010. The subject accessory housing unit is not permitted.

Fresno Metropolitan Flood Control District: No on-site retention of storm water runoff is required, provided that developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan Inlet(s). **This shall be included as a Project Note.**

No other comments were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant states that the subject parcel is substandard in size for the underlying zone district. Additionally, the Applicant states that the construction of the single-family residence placed the structure encroaching three feet into the 10-foot minimum side-yard setback on the eastern portion of the residence. The property owner bought the subject parcel as his primary dwelling unit in conjunction with the accessory housing unit, as it would provide living space that meets his family's needs. County records indicate that early development of the subject parcel was aberrant and confusing. For unknown reasons, a conflict between the early ownership of this parcel and Fresno County staff has persisted throughout a period exceeding fifty years.

In support of Finding 2, the Applicant states that the approval of the Variance would rectify the conflict. The current property owner and his family have had no involvement in the imagining, planning, and construction of the subject accessory dwelling unit. The approval of the Variance would allow the property owner and family to enjoy their property rights and cure the ongoing hardship from the violation.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. Alternatives for the accessory dwelling unit would be demolishing the subject structure, removing the structure from the setbacks, or converting the accessory housing unit back to an accessory building. Additionally, the single-family residence would require structural modification to remove the portion encroaching into the side-yard setback. The aforementioned alternatives would be costly endeavors for the property owner. Although bringing the accessory housing unit up to code could also become costly, the owner has decided on a Variance to keep the structure. Alternatives for the lot coverage and single-family residence setback issue are limited. Additionally, the single-family residence along with the accessory building would need to be removed or reduced in order to meet the 30% lot coverage maximum of the zone district. These options would be at considerable cost to the property owner and could be considered unfeasible options.

In regard to Finding 1, staff can support the Applicant's finding that the subject parcel is substandard in size and that the eastern portion of the single-family residence was built within the side-yard setback. As stated in the "Background Information" section, the project site was originally zoned R-A and had a minimum parcel size of 36,000 square feet. Research indicates that Variance No. 843 was adopted on August 25, 1960 for the R-A Zone District that recognized substandard-sized lots in recorded subdivisions allowing divisions using existing lot lines. The subject parcel was then rezoned to the R-1-AH on September 29, 1980 by adoption of Amendment Application No. 3148.

For an unknown reason, building permit records indicate that the single-family residence was permitted, although the structure was located within the setbacks of the R-A Zone District. Both the R-1-AH and R-A Zone District allow a 30% lot coverage. Based on staff's calculations, the lot coverage of the parcel is currently at 36.36%. In considering building permit records for the subject property, and the conversion of the accessory housing unit occurring prior to current ownership of the subject property, staff believes there is a unique circumstance. The approval of the Variance will allow the property owner to bring the accessory housing unit into compliance with County of Fresno development standards and the California Building Code for an occupied structure. Additionally, the Variance will correct setback issues for the main residence and lot coverage issues for the parcel. The Variance will provide a record for the corrections, as past records do not indicate the reasoning for allowing diversion from the development standards.

In regard to Finding 2, staff concurs with the Applicant's finding that the current property owners were not involved with the construction of the subject accessory dwelling unit. Based on the deed, the current property owner acquired the property on August 4, 2017. Staff believes that the property owner was unaware of the violation prior to purchasing the property. Staff can concur with the Applicant's finding that the approval of the Variance will allow the owners to enjoy their property the way they intended when the property was purchased. The Variance will also allow the accessory housing unit to remain on the property, be brought up to building code standards, and avoid demolition of the building. In considering the unique situation on the subject parcel and alternatives that could address the issue without a Variance, staff believes that the Variance is necessary to provide a pathway for the property to conform with existing development standards and allow the status of the property to return to a normalized state. Therefore, based on the analysis above, staff believes that Finding 1 and 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 and 2 can be made.

Finding 3: *The granting of the Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	0.22 acre	Single-Family Residential	City of Fresno	Approximately 233 feet
South	0.24 acre	Single-Family Residential	R-1-AH(nb)	Approximately 86 feet
East	0.22 acre	Single-Family Residential	R-1-AH(nb)	Approximately 15 feet
West	0.22 acre	Single-Family Residential	R-1-AH(nb)	Approximately 13 feet

Reviewing Agency/Department Comments:

Fresno Fire Department: Building plans shall be submitted for the unpermitted dwelling unit to both Fresno County Department of Public Works and Planning, Building and Planning Sections and the Fresno Fire Department for review. **This shall be included as a Project Note.**

In accordance with 2016 CBC Table 602 (h) Group R-3, dwelling units constructed less than five feet from the property line shall be equipped throughout with a residential fire sprinkler system in accordance with NFPA 13D and one-hour construction rating. At three feet from the property line as shown, once fire sprinklers are installed, the one-hour rating is not required. Fire sprinkler plans shall be submitted as required to this office by a licensed contractor. **This shall be included as a Project Note.**

The site plan as submitted for review does not clearly indicate the occupancy classification of the "accessory building". Plans should show it as an R-3 secondary dwelling unit. **This shall be included as a Project Note.**

The project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building on site. Review for compliance with fire and life safety requirements for the building interior and its intended use is conducted for both the Fire Department and the Building and Safety Section of the Fresno County Department of Public Works and Planning when a submittal for building plan review is made (as required by the California Building Code) by the architect or engineer of record for the building. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the proposed accessory dwelling unit will be used as a residential structure, and will not be utilized for any other activity that would pose an adverse impact on the surrounding neighborhood.

The property owner intends to use the accessory housing unit for residential purposes. The accessory dwelling unit use and development is subject to the special use standards described in Section 855-N.1.e of the Fresno County Zoning Ordinance. If any change of the use occurs after permits for the conversion are finalized, the subject property will be subject to a violation from the Code Enforcement Section.

Accessory housing units are allowed in the R-1-AH Zone District provided that the parcel does not contain accessory living quarters or a second dwelling unit. Although the accessory housing unit will be located within setbacks, the subject structure is not expected to cause a detrimental effect on the surrounding neighborhood. The Applicant will be required to apply for and finalize building permits to convert the structure to an accessory housing unit. The building permits will require that the structure conform to the building code and is safe for occupancy. Therefore, staff believes that the Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *The granting of such Variance will not be contrary to the objectives of the Fresno County General Plan.*

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.	The subject application was routed to the City of Fresno for comment. No comments were received from the City of Fresno to indicate that the project conflicts with their plans or development code.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated as Low-Density Residential in the Roosevelt Community Plan. The Roosevelt Community Plan is consistent with the Fresno County General Plan.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicant states that demolition of the accessory housing unit would induce noise, hazardous substance, air quality, and traffic issues that would create conflicts with the Fresno County General Plan and Fresno County Agencies.

In regard to Finding 4, the subject property is located in a Fresno County island in the City of Fresno. The parcel is designated as Low-Density Residential in the County-adopted Roosevelt Community Plan, which is consistent with the Fresno County General Plan. No policies or objectives were identified in the Fresno County General Plan or the Roosevelt Community Plan that conflict with the Variance proposal. The City of Fresno was notified of the subject application and given the opportunity to comment on the proposal. The City of Fresno did not express any concerns regarding the project. Therefore, staff believes that Finding 4 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings for granting the Variance can be made. Staff therefore recommends approval of Variance No. 4068, subject to the recommended Conditions and Project Notes.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to determine the required Findings can be made and move to approve Variance No. 4068, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4068; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:ksn

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**Conditions of Approval and Project Notes
Variance Application No. 4068**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan, Elevations, and Floor Plans approved by the Planning Commission.
2.	Plans, permits, and inspections will be required for the conversion of the accessory building into an accessory housing unit.
3.	<p>Prior to issuance of a building permit, a covenant running with the land between the County and the owner shall be recorded requiring that one of the dwelling units shall be occupied by the property owners or another owner of record.</p> <p style="text-align: center;">Note: Our department will prepare the Covenant upon receipt of the standard processing fee which is currently \$243.50.</p>
4.	Prior to issuance of building permits, a Site Plan Review Application in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance shall be submitted for approval.

Conditions of Approval reference recommended Conditions for the project.

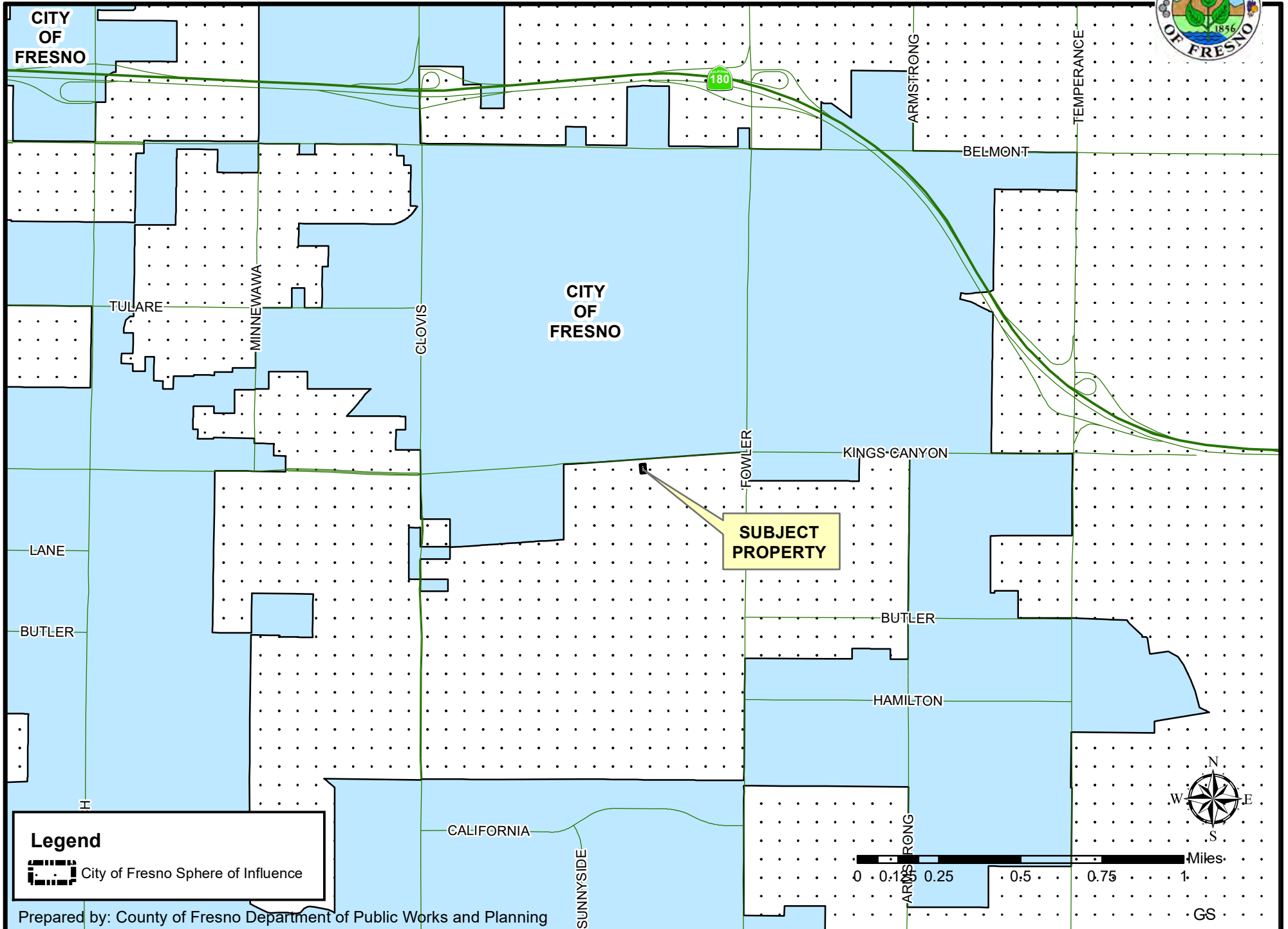
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	No on-site retention of storm water runoff is required, provided that the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan Inlet(s).
2.	Building plans shall be submitted for the unpermitted dwelling unit to both the Fresno County Department of Public Works and Planning, Building and Planning Sections and the Fresno Fire Department for review.
3.	In accordance with 2016 CBC Table 602(h) Group R-3, dwelling units constructed less than five feet from the property line shall be equipped throughout with a residential fire sprinkler system in accordance with NFPA 13D and one-hour construction rating. At three feet from property line as shown, once the subject dwelling is fitted with a fire sprinkler system, the one-hour rating is not required. Fire sprinkler plans shall be submitted as required to this office by a licensed contractor.
4.	The project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building on site. Review for compliance with fire and life safety requirements for the building interior and its intended use is conducted for both the Fire Department and the Building and Safety Section of the Fresno County Department of Public Works and Planning when a submittal for building plan review is made (as required by the California Building Code) by the architect or engineer of record for the building.

TK:ksn

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EXHIBIT 1

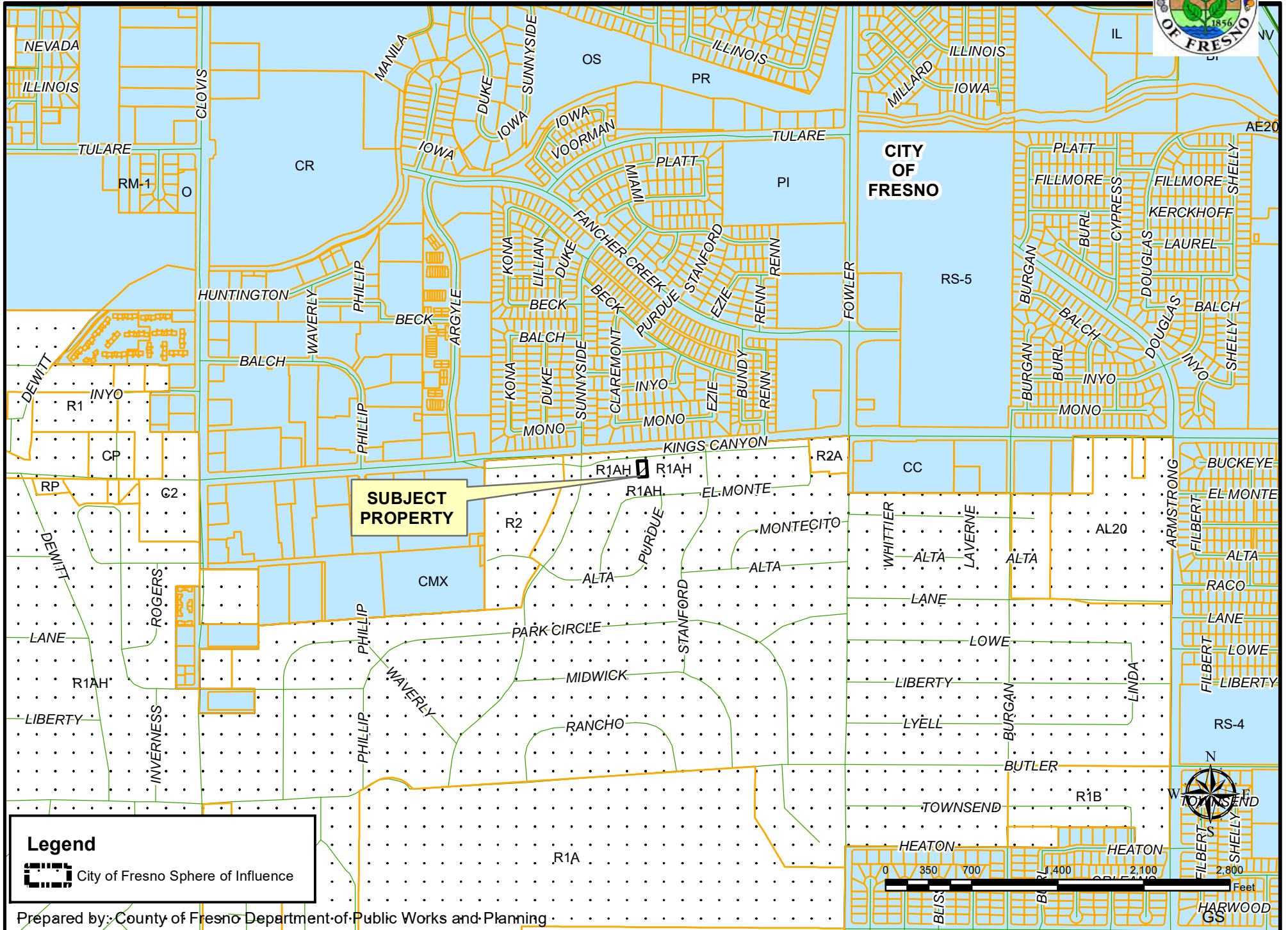
LOCATION MAP



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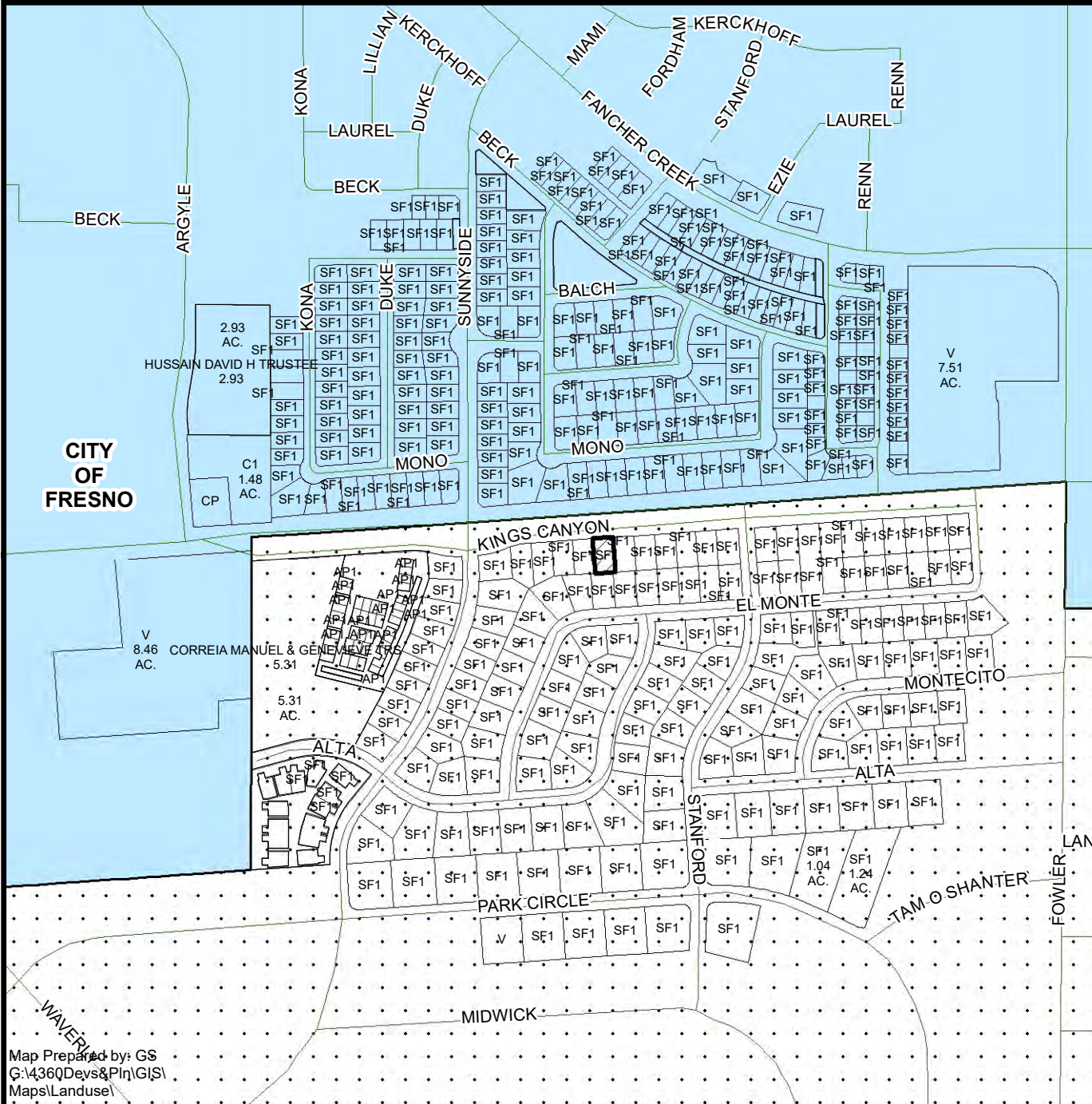
City of Fresno Sphere of Influence

EXISTING ZONING MAP





Legend
City of Fresno Sphere of Influence

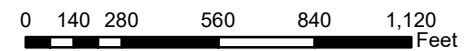
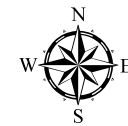
EXISTING LAND USE MAP



LEGEND
AP1 - APARTMENT
C# - COMMERCIAL
CP - OFFICE COMM./PROF.
SF# - SINGLE FAMILY RESIDENCE
V - VACANT

Legend

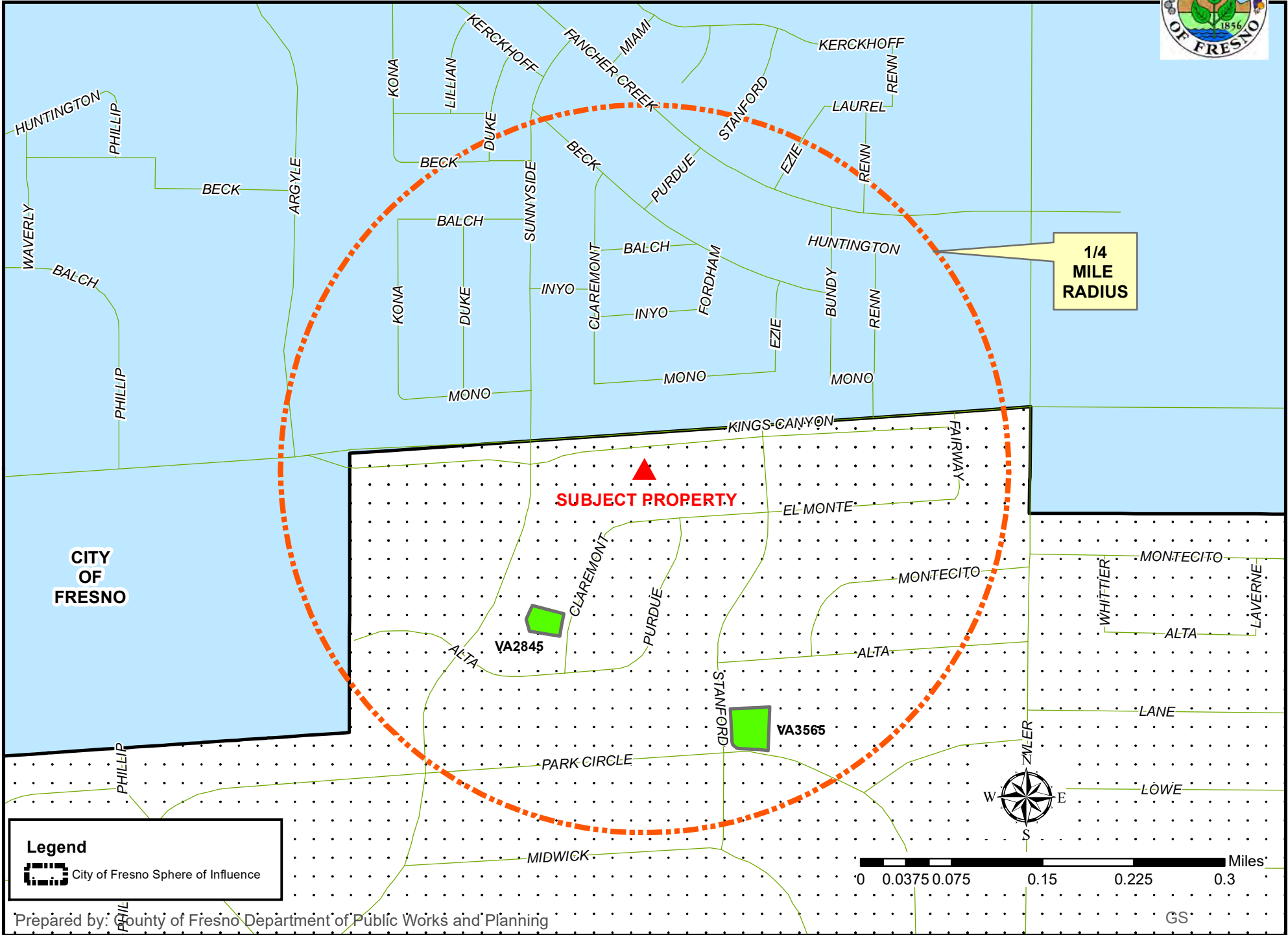
-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning
Development Services Division

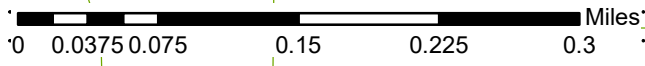
Map Prepared by: GS
G:\4360Devs&Plan\GIS\Maps\Landuse

APPROVED VARIANCES WITHIN A 1/4 MILE RADIUS



Legend

City of Fresno Sphere of Influence

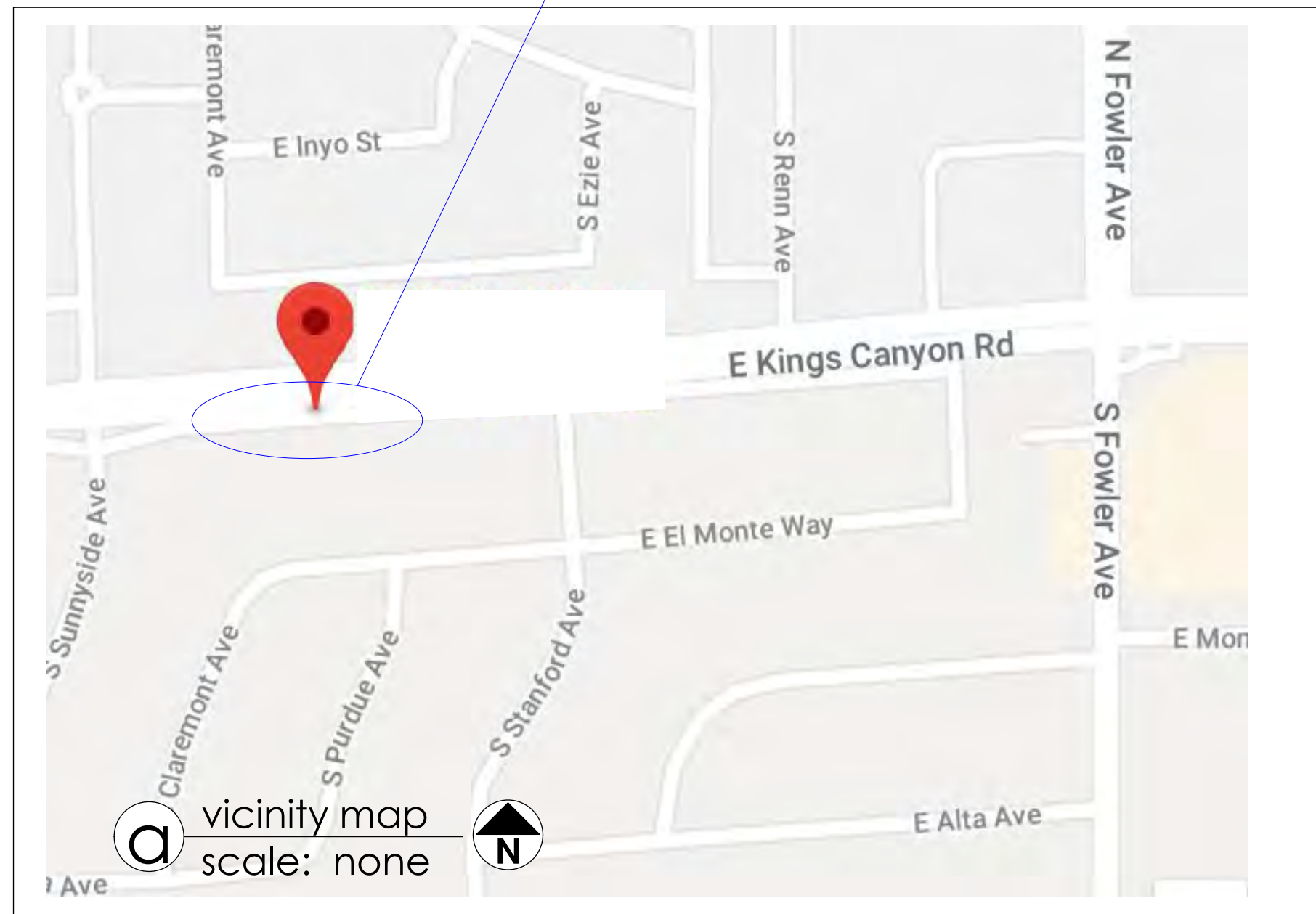


project information					
1	statement of proposed operations:	alterations as required to obtain clearance from current code violations			
2	PROJECT	OWNER	TENANT	DESIGNER	
3	name	Accessory Housing Unit	Werzinski	Pacific Design Studio	
4	address	5848 E. Kings Canyon Road	5848 E. Kings Canyon Road	1301 North Van Ness Avenue	
5	city	Fresno	Fresno	Fresno	
6	state	California	California	California	
7	postal code	93727	93727	93728	
8	telephone			559-394-4647	
9	fax			559-492-3316	
10	email			stevepds@gmail.com	
11	A. P. N.				
12	subdivision data:	lot:	block:	tract name:	
13	legal description				
14	planned use				
15	dimensions	site:	width: 75'		
16			depth: 150'		
17		project:	width:		
18			depth:		
19	set-backs min. (ft)	front: 20	rear: 20	side: 7	street-side: n/a
20					
21	project area	type of area	existing	proposed	change
22		conditioned	330	330	0
23		garage			0
24		roofed exterior			0
25		total under roof			0
26	occupancy	classification	group R3	B	
		separation per CBC 508.3.3			
		rating (@100 sqft/person)			
27	construction type (CBC table 601)		v-8		
28	fire sprinklers	are NOT required for this project			
29	grading (not required for this project)				
30	exit requirements (not required for this project)		from area of remodel		
			travel distance (ft)		

responsibility

1. general contractor shall provide a construction waste-management plan as required by section 4.408.2 of the Calgreen standards for recycle and diversion of construction waste materials and specify the waste management firm responsible for administering the construction waste management plan
2. all work shall be done in the best workman-like manner and must be done in accordance with the requirements of all local governing agencies including but not limited to uniform building code, uniform plumbing code, uniform heating and comfort cooling code, California code title 24, state fire marshal, order of the state division of industrial safety; furthermore, all work shall meet with the approval of the owner
3. contractors shall maintain the premises in a clean and orderly condition at all times and shall remove all unused materials and debris, and leave the premises in a clean, broom-swept condition
4. coordinate with the owner all operations such as areas to be used for materials storage, delivery access to/from work, noisy construction operations, sequence of operations, and interruptions of mechanical and electrical utilities
5. each contractor shall verify at job-site all existing conditions prior to commencing his portion of the work and shall be responsible for the accuracy of of these conditions
6. each contractor shall visit the site and inspect the premises and shall verify the work to be done, the existing conditions, and shall notify the general contractor of any and all discrepancies prior to submitting bid and prior to starting any work
7. it is the contractor's responsibility to verify all field measurements and conditions for conformance with the plans; should there be any errors, omissions, or discrepancies in the plans with respect to the field observation of the work or any other parts of the plans, the errors, omissions or discrepancies shall be brought to the attention of the designer; the contractor shall resolve all errors, omissions, and discrepancies before commencing that portion of the work; all changes to the plans shall require approval of the owner and the designer.
8. prior to submitting proposals, all contractors are required to have examined the site and all pertinent proposed contract documents
9. the design/build contractors shall be fully and solely responsible and liable for all styling, engineering, and construction for his/her phase of the work as indicated on these documents by the act of commencing work on this project and/or by their signatures on the documents contained herein or on documents to be submitted separately for his/her phase of the project; each contractor has directly and indirectly assumed full responsibility for the design, engineering, and construction of his work including, but not limited to, accuracy, completeness, and compliance with all applicable codes and ordinances and the requirements of the owner and/or tenant
10. the general contractor shall be responsible for the work and coordination of all the trades with the regulatory agencies; he shall provide all materials and labor shown or implied on these plans to render the work
11. the general contractor shall provide adequate shoring, bracing, guys, etc. to hold the work securely in place and to sustain all imposed loads that may occur during erection until subsequent construction is adequate to replace temporary bracing and supports
12. the general contractor shall erect and maintain, as required by existing conditions and progress of work, all reasonable safeguards for safety and protection including posting danger signs and other warnings against hazards, promulgating safety regulations, and notifying owners and users of adjacent utilities
13. these construction documents show specific details of architectural style and structural integrity; where specific details are not shown, actual construction methods and materials shall be of a similar nature

note: "A" = location of project



jurisdiction

1. building
Fresno County Development Services
Suite A
2220 Tulare Street
Fresno, CA 93721
Telephone: 559-262-4469
2. signal cable:
Comcast Xfinity
3. telephone:
ATT
4. water
Bakman

consultants

1. STRUCTURAL
Charles Design Group
5100 N. Sixth St. #172
Fresno, CA 93710
tel: 559-355-0507
2. ENERGY
Energy Consult LLC
411 N. Harbor Blvd. # 205
San Pedro, CA 90731
tel: 424-247-4658
3. FIRE PROTECTION
Fire Safety Solutions LLC
1405 E. Omaha Avenue
Fresno, CA 93720
Tel: 559-274-3925
4. SPECIAL INSPECTIONS
1
2
3

privacy

1. copies of these drawings are supplied to the owner, the contractor, and to others for use on this particular project only; all drawings, specifications, and copies of such shall be prepared by Pacific Design Studio
2. these documents are delivered to you in trust and on the express condition that neither these documents nor the information contained therein will be copied, reproduced, or delivered to others, except as specifically authorized by Pacific Design Studio
3. no reproduced copies shall be made or distributed without the express written consent of Pacific Design Studio
4. these documents and all copies shall be returned to Pacific Design Studio upon request
5. violators will be prosecuted to the fullest extent of the law
6. VISIAL CONTACT with this set of plans shall assure compliance with these terms of privacy

environmental design criteria

1. air freezing index:
2. flood hazards:
3. ground snow load:
4. ice barrier underlayment required:
5. mean annual temp:
6. subject to damage from frost line depth:
7. subject to damage from termites:
8. subject to damage from weathering:
9. wind special region:
10. wind speed mph:
11. wind topographic effects:
12. wind-borne debris zone:
13. winter design temperature:

compliance

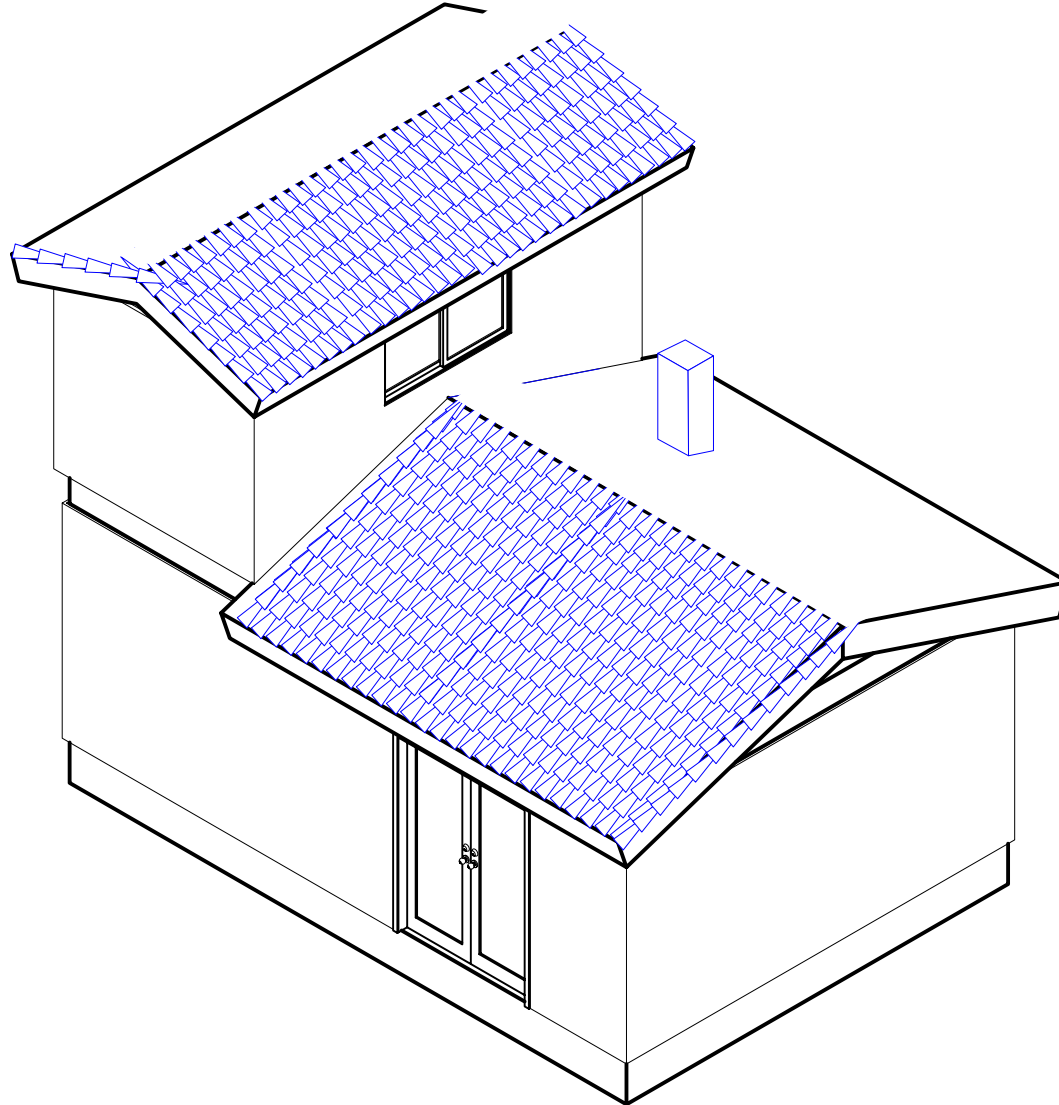
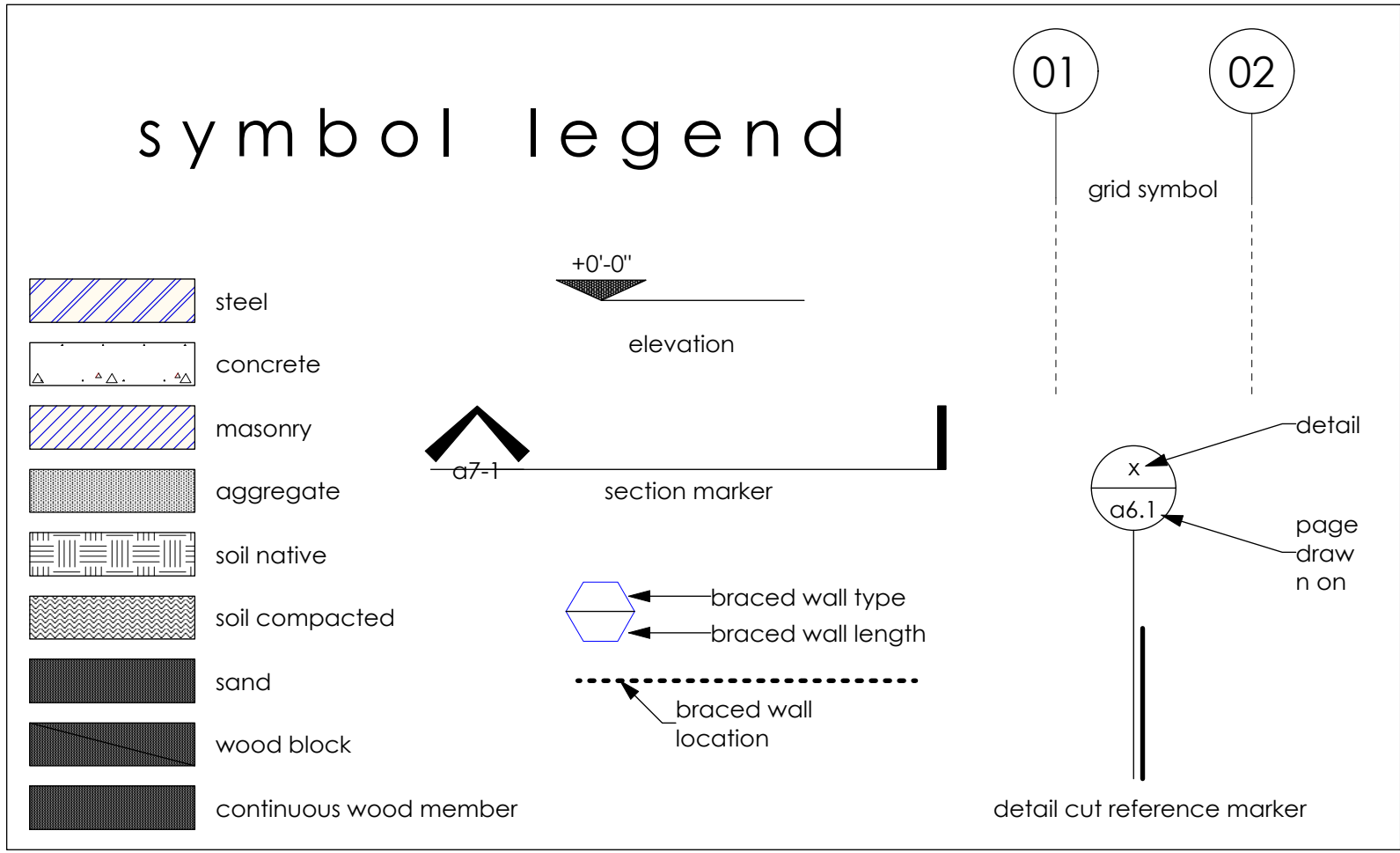
1. building: California Building Code 2016
2. residential: California Residential Code 2016
3. electrical: California Electrical Code 2016
4. mechanical: California Mechanical Code 2016
5. plumbing: California Plumbing Code 2016
6. energy: California Energy Code 2016
7. fire: California Fire Code 2016
8. ecology: California Green Building Standards Code
9. historical: California Historical Building Code
10. existing conditions: California Existing Building Code
11. reference: California Reference Standards Code
12. CC&Rs: Yosemite Lakes Park Owners Association

CBC 1701 special inspections

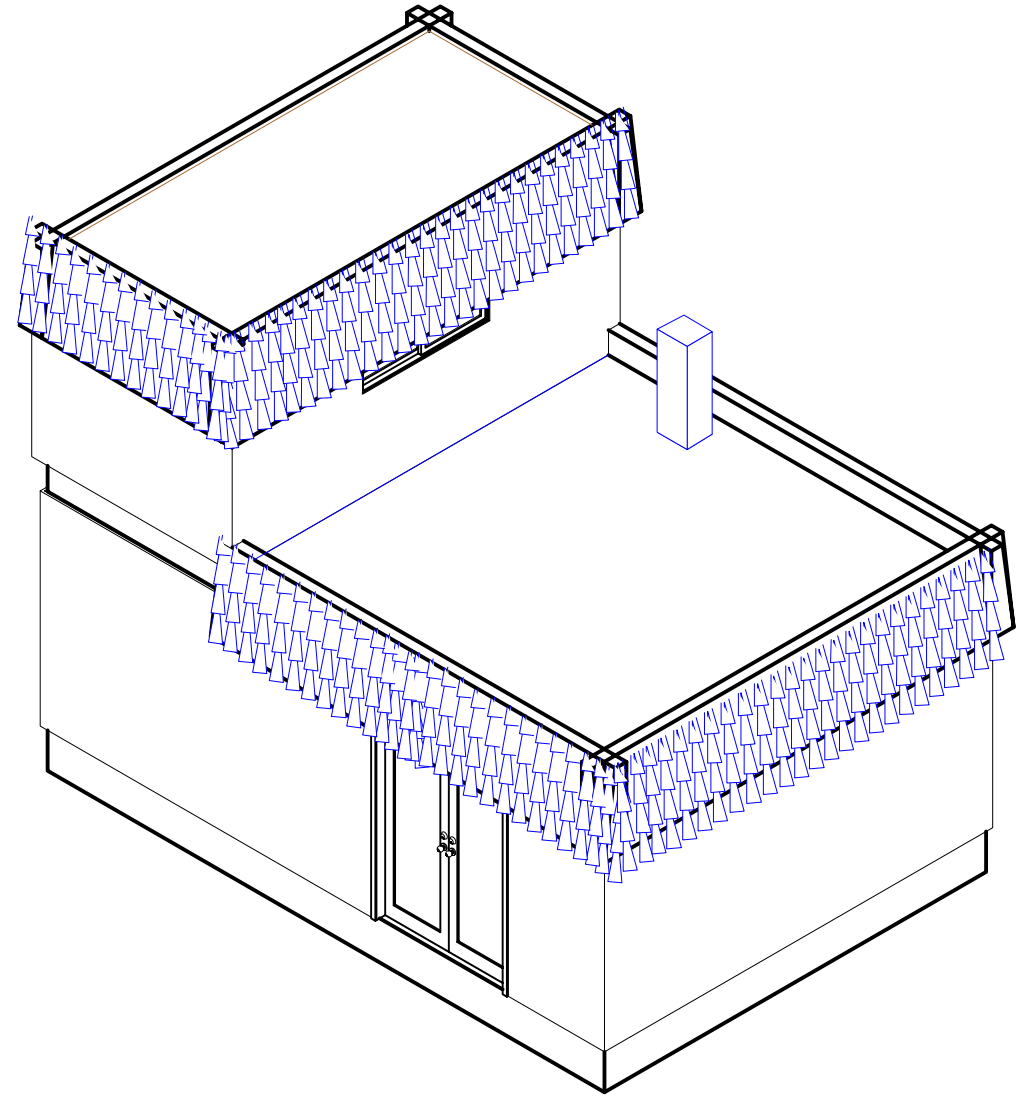
1. if the project requires special inspections based on CBC 1701, the owner or the project engineer/architect, acting as the owner's agent, shall employ special inspector(s) to provide inspection(s) of the following types of construction work
2. installation of adhesive or mechanical anchors post-installed in hardened concrete consistent with the requirements of their evaluation reports including Titen screws, epoxied anchors, amd expansion anchors

usage of these plans and specifications

1. all materials, equipment, and systems called for on the plans and in the specifications shall be installed in strict compliance with the manufacturer's latest specifications
2. any and all substitutions to the materials and/or equipment specified must be approved by the owner; contractor shall submit request for substitutions at the time of bid submissions
3. discrepancies or errors in these plans and specifications shall be called to the attention of the designer for corrections before the work affected is thereby bid or executed; the work shall comply in every respect with current governing laws, building codes and ordinances, and shall be given necessary notices relating to the work; contractors shall obtain and pay for any permits, notices, vouchers, fees, inspections, surveys, or tests that are required
4. electrical, plumbing, air-conditioning, and communications device symbols shown on architectural elevations are only for the purposes of coordination among the various trades or phases of work; for complete information, refer to the particular electrical, plumbing, air-conditioning, or communications sheets
5. fire ratings and partition type indications on plan drawings apply to all segments of the designated partition
6. floor-plan dimension lines are from face of framing to face of framing; room dimensions shown as captions with room name are nominal only, are intended to provide a convenient means of estimating living space, and are not to be used for any purposes of construction whatsoever
7. items noted "nic" (not in contract) will be provided and installed by owner or are under separate contract; contractor shall verify all requirements for exact size, quantity, and take-offs of equipment provided by owner and shall be responsible for all rough-ins and connections unless otherwise indicated
8. provide all work and materials in accordance with the latest rules and regulations of all applicable state and local rules, regulations, codes, laws, and statutes; nothing in these drawings or specifications is to be construed as requiring or permitting work contrary to these rules, regulations, codes, laws, and statutes
9. the drawings indicate locations, dimensions, reference, and typical details of construction; these drawings do not illustrate every condition
10. the following notes apply to all drawings and specifications
11. these drawings contain attached typical standard details most of which are diagrammatic; contractor is hereby advised to adapt only those details and specifications applicable to the particular phase of work
12. written dimensions in these drawings have precedence; do not scale the drawings (reprographic processes are not precise); th contractor shall be responsible for verifying all dimensions and conditions on the job; notify the designer of any discrepancies, errors, or omissions shown by these drawings
13. VISIAL CONTACT with this set of plans shall assure compliance with these terms of useage



PROPOSED left front scale: 3/16" = 1'



EXISTING left front scale: 3/16" = 1'

overall project general notes

1. changes from these approved plans during the course of construction shall cause the construction to be suspended until such time time as the plans can be amended by the designer and submitted to the Development Department for review and approval [CBC appendix 106.1]
2. job-card shall be posted in a conspicuous place on site and readily accessible for signatures
3. permit will be issued only after all department corrections have been made to the construction plans under submittal for review
4. permit will be issued only after school fees have been paid to the pertinent school district; permit will be issued only after school fees have been paid and a receipt from the appropriate school district is submitted to the building department
5. sanitation facilities of temporary condition shall be provided for the use of all persons employed on the project; facility shall be completely portable
6. street address shall be posted and have numerals high minimum 6", stroke 1/2" minimum, and contrasting background, and must be legible
7. written statement of conformance to Title 24 shall be provided prior to final inspection

index of pages		
index count	page i.d.	description
1	g1	cover
2	g2	abbreviations
----- Preliminary -----		
3	ff01	site plan
4	ff02	views of adjacent properties
5	ff03	composite elevation views both buildings
6	ff04	isometric composite EXISTING
7	ff05	isometric composite PROPOSED
----- AS-BUILT -----		
8	d01	demolition plan
9	a02	plan views
10	a04	roof views
11	a06	elevation views exterior
12	a07	section views
13	e	electrical systems
14	m	mechanical systems
15	p	plumbing systems
16	s3	roof remodelling plan

Designer/Contact Information:

Pacific Design Studio

"since 1980"

email - stevepds@gmail.com

mobile: 559-394-4647

Drawn By:

Revision Date:

NOTES:

House Skifam

cover

Project:

Date:

Scale:

Sheet:

g01 OF 17

Producer:

Purpose:

AC/P ASPHALT CONCRETE PAVING
 ACT ACOUSTIC CEILING TILE
 ADA AMERICANS WITH DISABILITIES ACT
 ADJ ADJACENT
 ADT'L ADDITIONAL
 AFF ABOVE FINISHED FLOOR
 ALUM ALUMINUM
 APC ACOUSTIC PANEL CEILING
 A/V AUDIO VISUAL

BD BOARD
 BFF BELOW FINISHED FLOOR
 BLDG BUILDING
 BOT BOTTOM
 BUR BUILT-UP ROOFING
 BTW BETWEEN

C CURB (SEE 'FO')
 CAB CABINET
 CEM CEMENT/CEMENTITIOUS
 CL CENTER LINE
 CLG CEILING
 CLO CLOSET
 CLR CLEAR
 CM CONSTRUCTION MANAGER
 CMU CONCRETE MASONRY UNIT
 CNC COMPUTER NUMERIC CONTROL
 COL COLUMN
 CONC CONCRETE
 CONT CONTINUOUS
 CPT CARPET
 C/W CASEWORK
 CW COLD WATER UTILITY
 CY CUBIC YARD

DBL DOUBLE
 DEMO DEMOLITION
 DET DETAIL
 DF DOUGLAS FIR
 DFE DIGITALLY FABRICATED ELEMENT
 DIAG DIAGONAL
 DIM DIMENSION
 DN DOWN
 DS DOWN SPOUT
 DWG DRAWING(S)
 DW DISH WASHER

E EAST
 (E) EXISTING
 EA EACH
 EJ EXPANSION JOINT
 EL ELEVATION
 EMB EMBED/EMBEDMENT
 EMER EMERGENCY
 EN END NAIL
 ENCL ENCLOSED
 EQ EQUAL
 EQUIP EQUIPMENT
 EX EXHAUST
 EXT EXTERIOR

FA FIRE ALARM
 FBO FURNISHED BY OWNER
 FD FLOOR DRAIN
 FDN FOUNDATION
 FEC FIRE EXTINGUISHER CABINET
 FF FINISHED FLOOR
 FG FINISH GRADE
 FFG FACTORY FINISH GRADE
 FH FIRE HYDRANT
 FHMS FLAT-HEAD MACHINE SCREW
 FHWS FLAT-HEAD WOOD SCREW
 FIN FINISHED
 FIXT FIXTURE
 FLR FLOOR/FLOORING
 FLUOR FLUORESCENT
 FO FACE OF
 FSH FIRE SPRINKLER HEAD
 FT FOOT/FEET
 FUR FURRING
 FUT FUTURE
 FW FIELD WELD

GA GAUGE
 GALV GALVANIZED
 GB GRAB BAR
 GC GENERAL CONTRACTOR
 GFB GROUND FACE BLOCK
 GL GLASS
 GLAZ GLAZING
 GND GROUND
 GR GRADE
 GYP GYPSUM

HB HOSE BIBB
 HBD HARDBOARD
 HC HOLLOW CORE
 HD HEAVY DUTY
 HDR HEADER
 HM HOLLOW METAL
 HORIZ HORIZONTAL
 HR HOUR
 HT HEIGHT
 HVAC HEATING, VENTING & AIR-CONDITIONING

ABBREVIATIONS (CONT'D)

ID INSIDE DIAMETER
 INFO INFORMATION
 INSUL INSULATION
 INT INTERIOR

JAN JANITOR
 J/C JANITOR'S CLOSET
 JH JACK-HAMMER
 JM J-METAL
 JT JOINT

KIT KITCHEN

LAB LABORATORY
 LAM LAMINATE
 LAV LAVATORY
 LB POUND
 LBS POUNDS
 LC LASER CUT
 LF LINEAR FOOT
 LH LEFT HAND
 LIB LIBRARY
 LT LIGHT
 LW LIGHTWEIGHT

MACH MACHINE
 MAINT MAINTENANCE
 MAX MAXIMUM
 MB MACHINE BOLT
 ME MACHINE EDGE
 MECH MECHANICAL
 MED MEDIUM
 MEMB MEMBRANE
 MET METAL
 MFR MANUFACTURER
 MH MANHOLE
 MIN MINIMUM

ABBREVIATIONS (CONTD)

MISC MISCELLANEOUS
 MAO MASONRY OPENING
 MTD MOUNTED
 MS METAL SCREW
 MTG MEETING
 MTL METAL
 MUL MULLION

(N) NEW
 N NORTH
 NA NOT APPLICABLE
 NW NORTHWEST
 NE NORTHEAST
 NIC NOT IN CONTRACT
 NIS NOT IN SCOPE
 NOM NOMINAL
 NTS NOT TO SCALE
 NBY NEARBY

OC ON CENTER
 OD OUTSIDE DIAMETER/DIMENSION
 OFF OFFICE
 OFCI OWNER FURNISHED,
 CONTRACTOR INSTALLED
 OFOI OWNER FURNISHED, OWNER
 INSTALLED
 OFRD OVERFLOW ROOF DRAIN
 OH OPPOSITE HAND
 OHD OVERHEAD DOOR
 OPNG OPENING
 OPP OPPOSITE
 O/ OVER
 ORIG ORIGINAL
 OWJ OPEN WEB JOIST

PCL PANEL CEILING
 PEN PLYWOOD EDGE NAILING
 PES PLYWOOD EDGE SCREW
 PIV POST INDICATOR VALVE
 PLAM PLASTIC LAMINATE
 PL PROPERTY LINE
 PLAS PLASTER
 PLYWD PLYWOOD
 PR PAIR
 PSF POUNDS PER SQUARE FOOT
 PT POINT
 PTD PAPER TOWEL DISPENSER
 PTDF PRESSURE TREATED DOUGLAS
 FIR
 PTN PARTITION
 PVC POLYVINYL CHLORIDE

R THERMAL RESISTANCE
 RAD RADIUS
 RA RETURN AIR
 RD ROOF DRAIN
 REF REFRIGERATOR
 REFL REFLECTED
 REINF REINFORCED
 REM REMOVE
 REQD REQUIRED
 RESIL RESILIENT
 RH RIGHT HAND
 RHWS ROUND HEAD WOOD SCREW
 RM ROOM
 RO ROUGH OPENING
 ROW RIGHT OF WAY
 RWD REDWOOD
 RWL RAINWATER LEADER

ABBREVIATIONS (CONTD)

(T) TEMPERED
 TEMP TEMPORARY
 T&G TONGUE & GROOVE
 THD THREAD
 THK THICK
 TI TENANT IMPROVEMENT
 TOC TOP OF CONCRETE
 TOG TOP OF GRADE
 TOP TOP OF PAVEMENT
 TOS TOP OF STEEL
 TS TUBE STEEL
 TEL TELEPHONE
 TV TELEVISION
 TYP TYPICAL

UG UNDERGROUND
 UNO UNLESS OTHERWISE NOTED
 UR URINAL

VA VALVE
 VCT VINYL COMPOSITION TILE
 VERT VERTICAL
 VIF VERIFY IN FIELD
 VTR VENT TO ROOF
 VWC VINYL WALL COVERING

W WEST
 W/ WITH
 WC WATER CLOSET
 WCH WHEELCHAIR
 WD WOOD
 WDW WINDOW
 WE WELD
 WF WIDE FLANGE
 WH WATER HEATER
 W/O WITHOUT
 WP WATER PROOF
 WS WOOD SCREW
 WT WEIGHT

X CROSS

YR YEAR
 YRLY YEARLY

Z ZINC

Designer/Contact Information:

Drawn By:
 Revision Date:

NOTES:

Project:
House Skifam

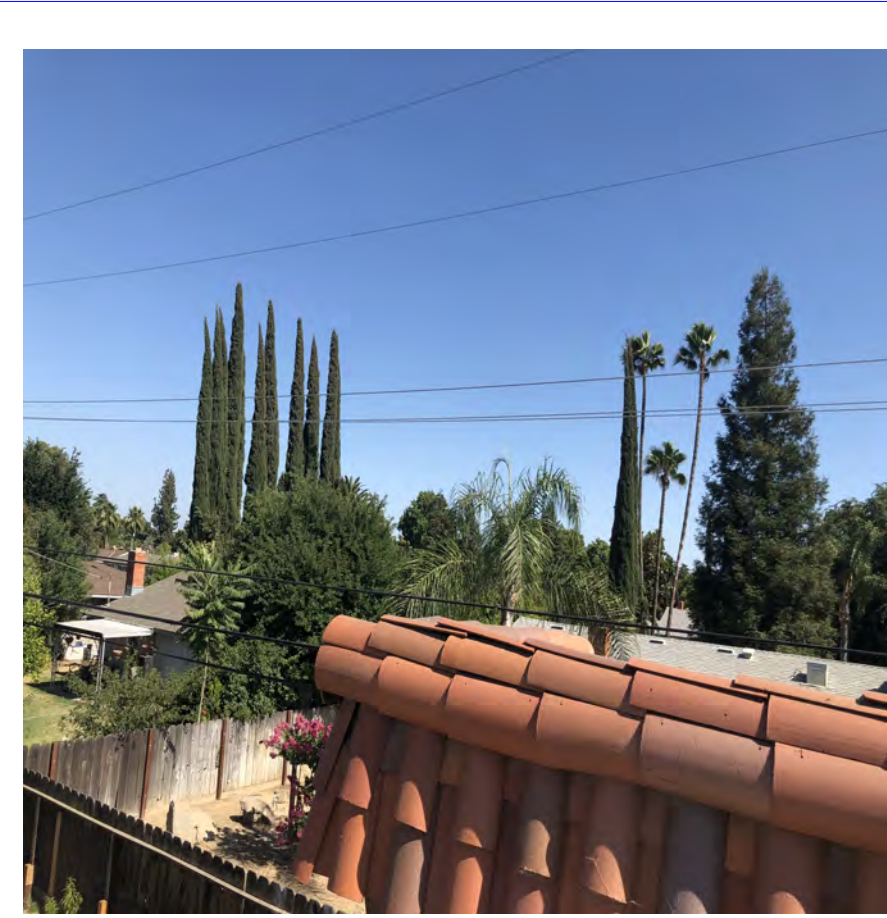
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abbreviations

Date:

Scale:

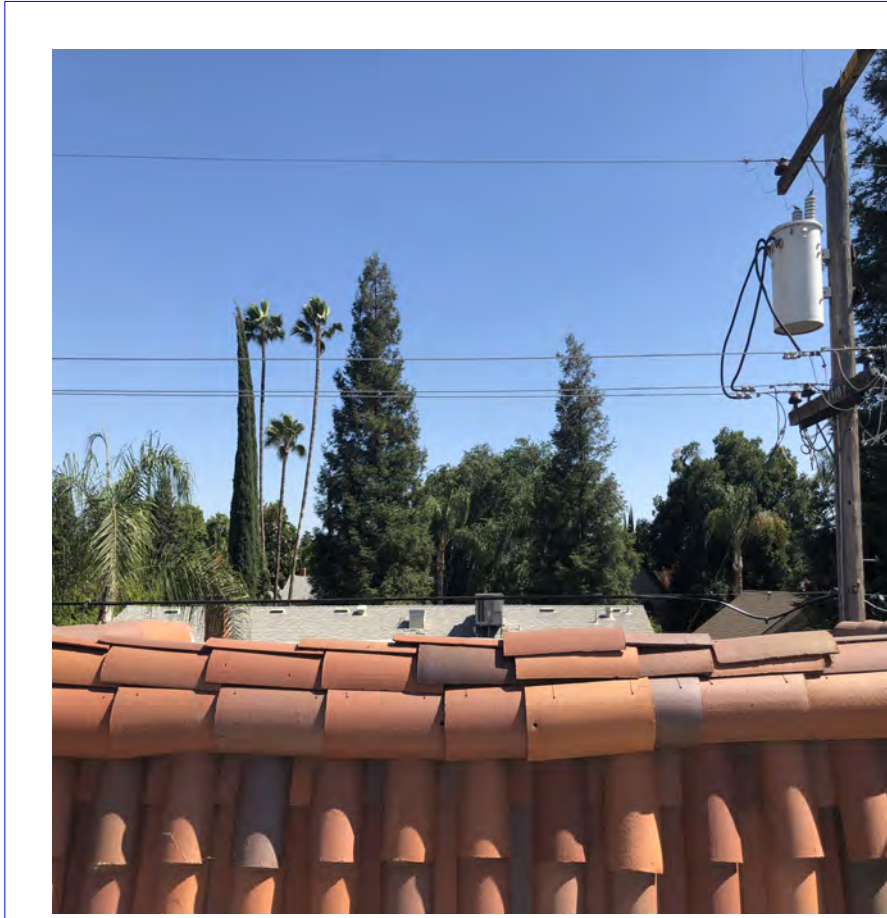
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 OF
17



VIEW FROM ROOF OF ACCESSORY **TOWARD SOUTHEAST**: landscapes of adjacent parcels and beyond

1



VIEW FROM ROOF OF ACCESSORY **TOWARD SOUTH**: landscapes of adjacent parcels beyond

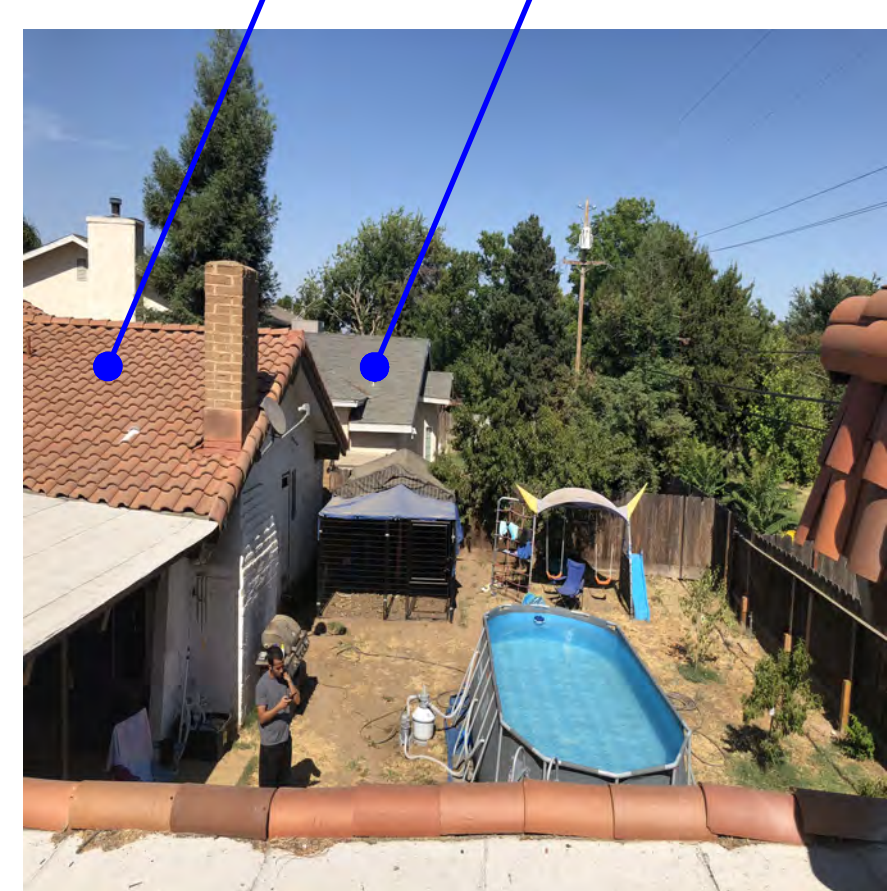
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VIEW FROM ROOF OF ACCESSORY **TOWARD SOUTHWEST**: landscapes of adjacent parcels and beyond

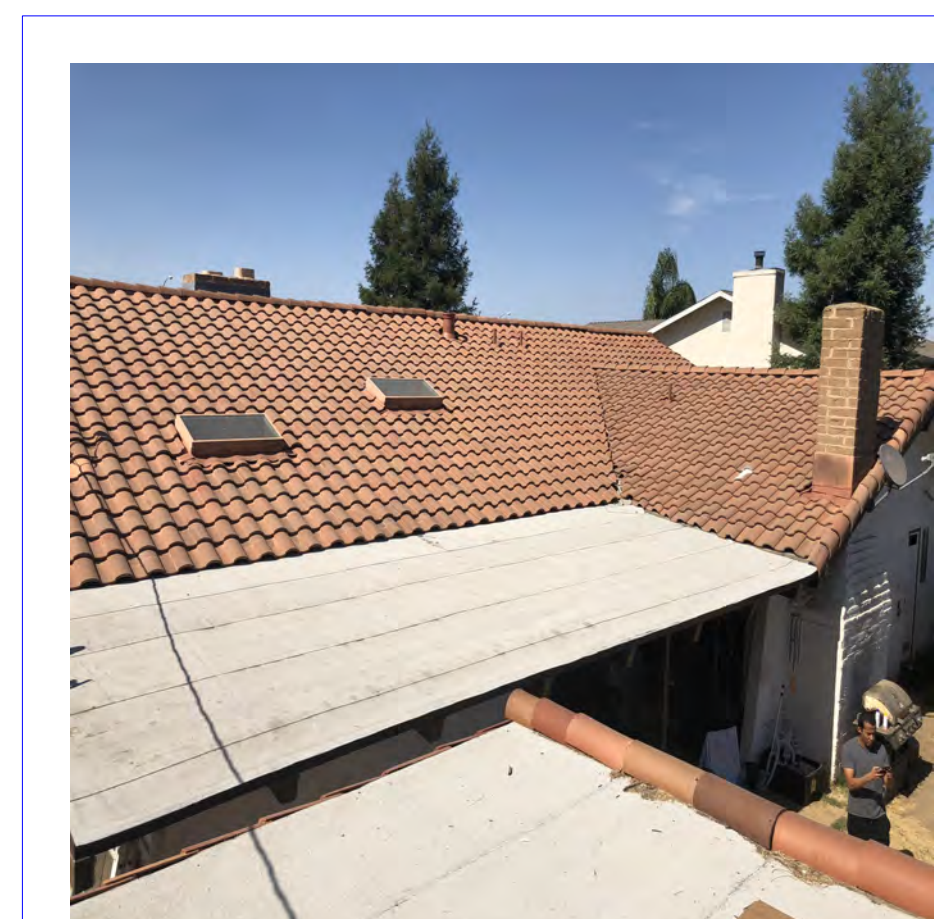
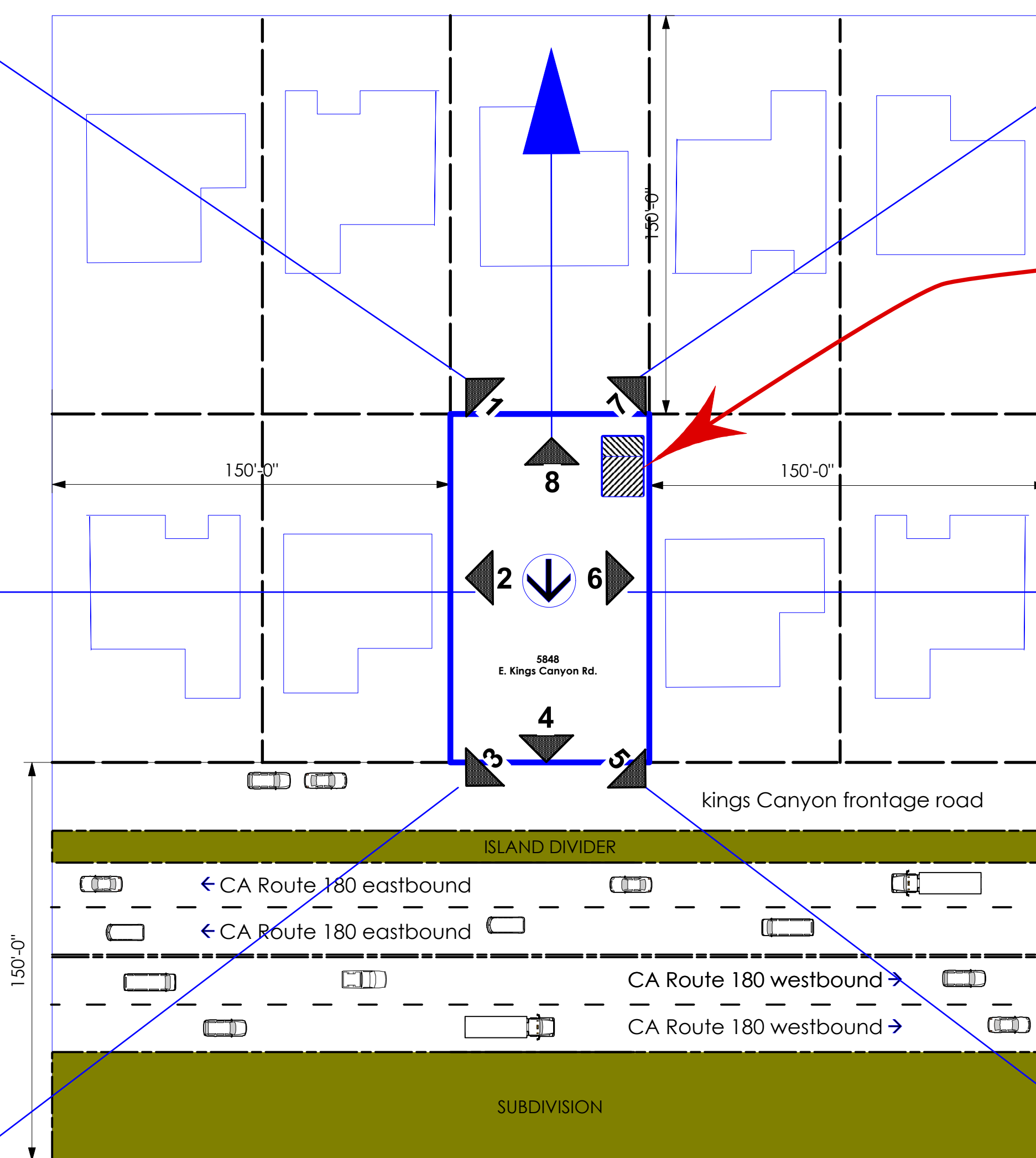
7

roof of applicant's house
roof of adjacent house



VIEW FROM ROOF OF ACCESSORY **TOWARD EAST**: applicant's rear landscape and neighbor rear yard beyond

2



VIEW FROM ROOF OF ACCESSORY **TOWARD NORTHEAST**: applicant's house

3

roof of adjacent house



VIEW FROM ROOF OF ACCESSORY **TOWARD NORTH**: applicant and adjacent roofs

4

roof of applicant's house



VIEW FROM ROOF OF ACCESSORY **TOWARD NORTHWEST**: house and landscape of neighbor rear yard

5



VIEW FROM ROOF OF ACCESSORY **TOWARD WEST**: landscape of neighbor rear yard

6

Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

House Skifam

Project:

Date:

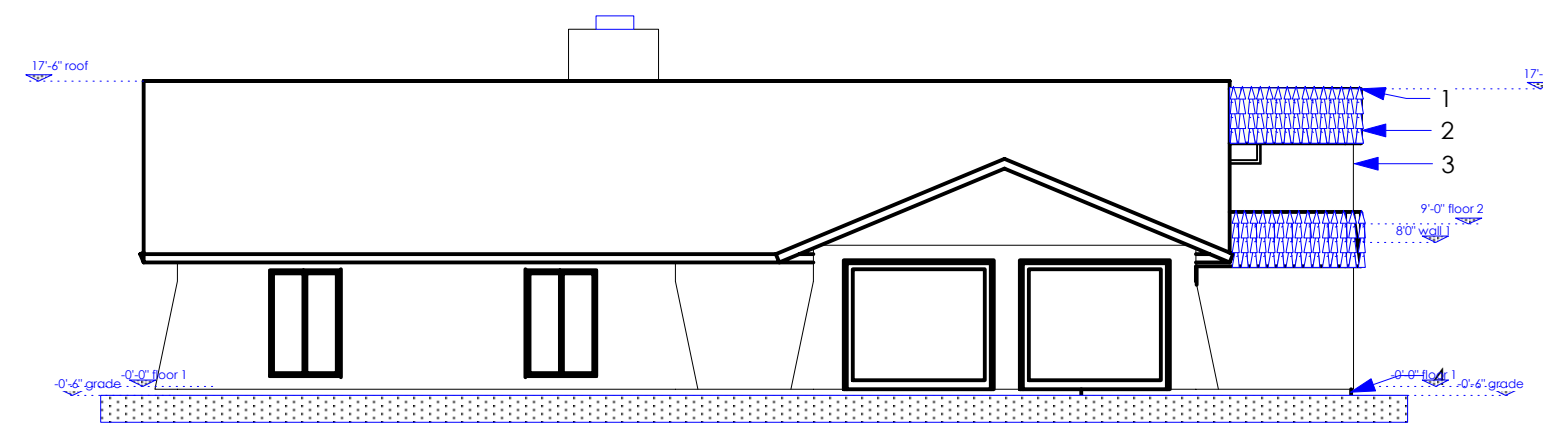
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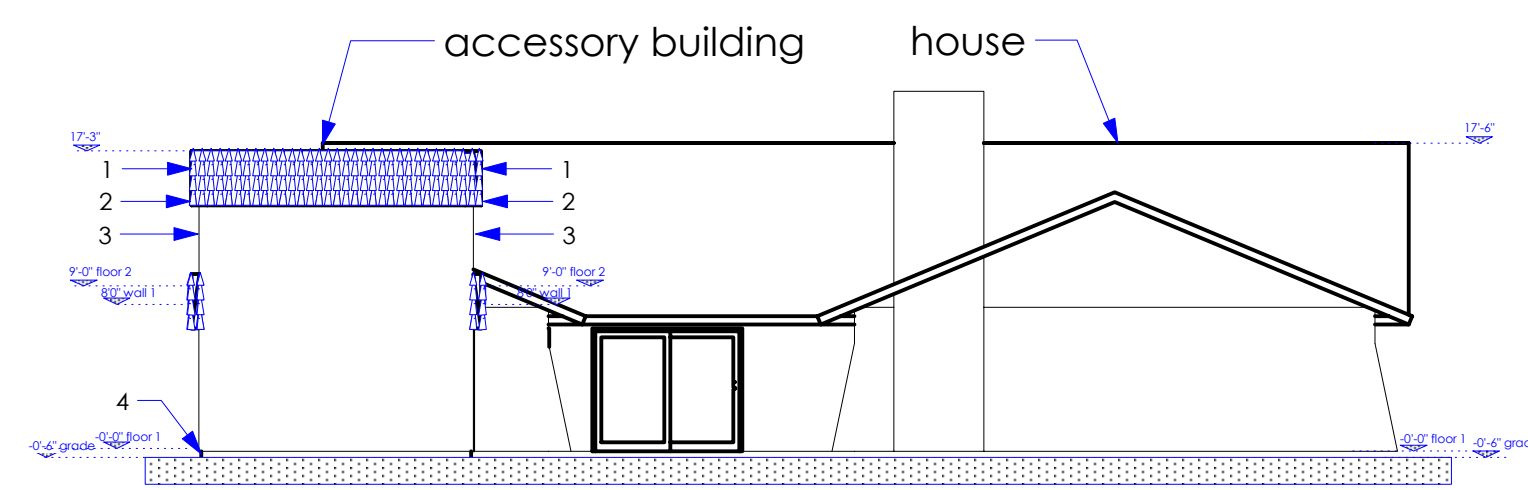
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OF
17

Producer:
Purpose:
Views of adjacent parcels

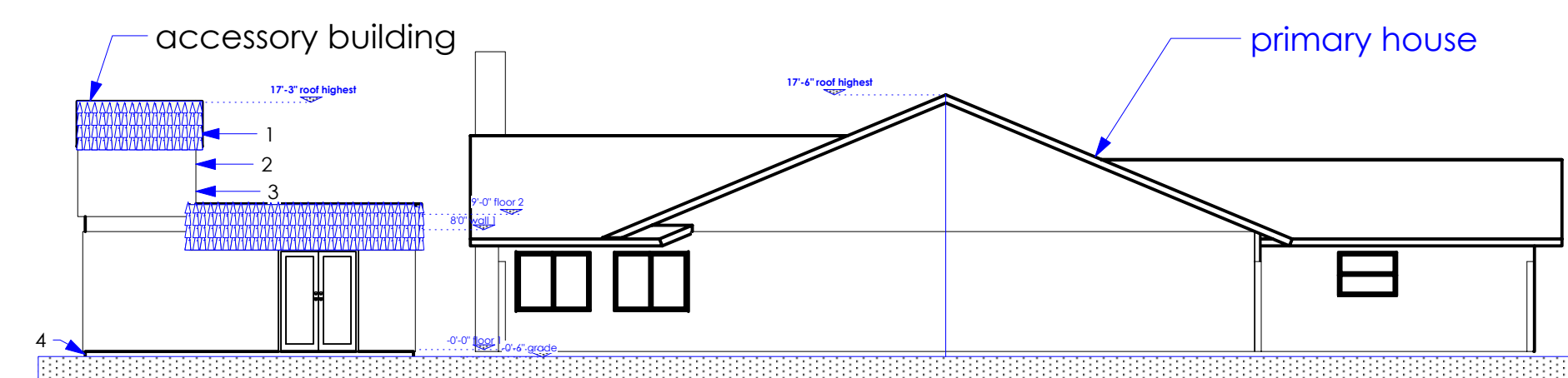
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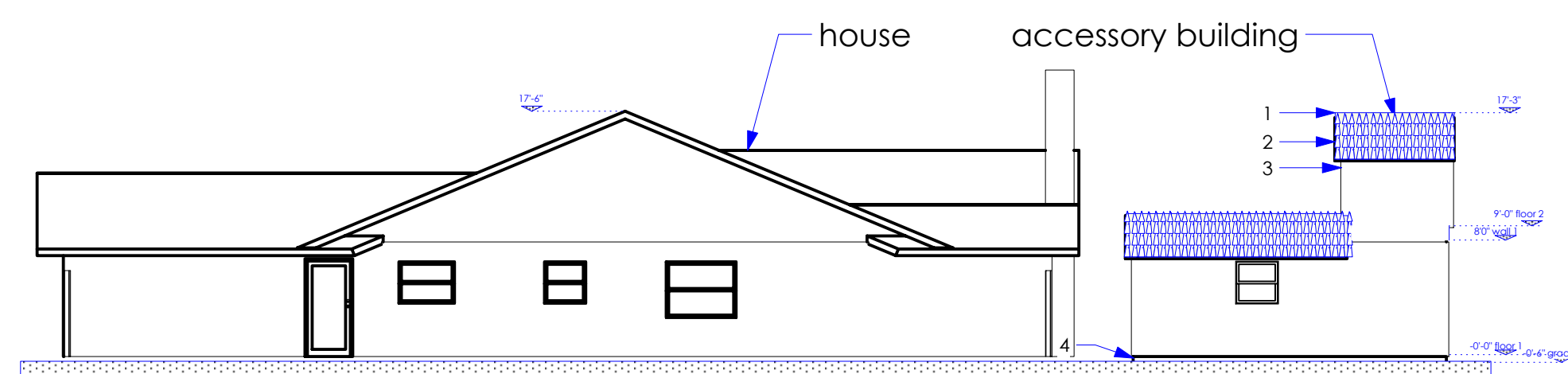
1 COMPOSITE - front
3/32" = 1'



2 COMPOSITE - rear
3/32" = 1'



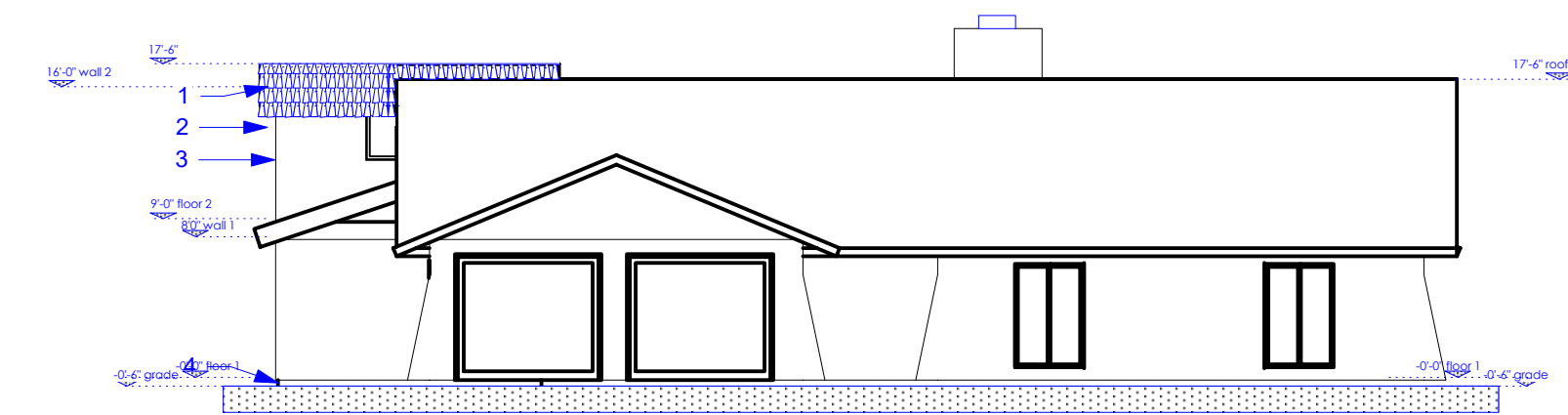
3 COMPOSITE
3/32" = 1'



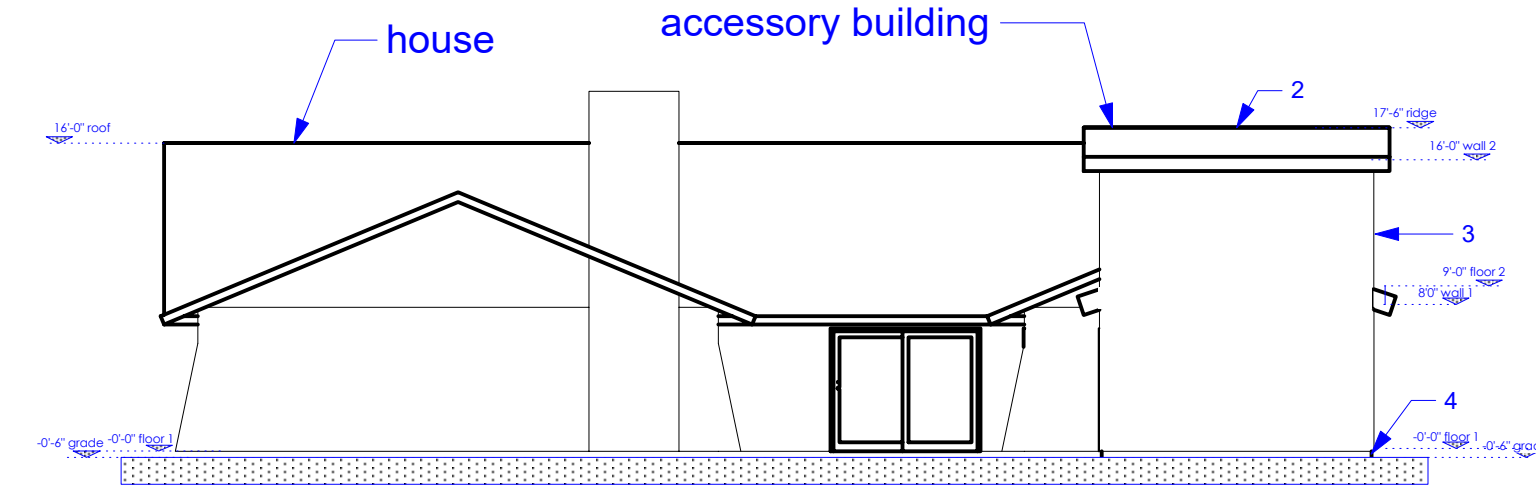
4 COMPOSITE
3/32" = 1'

keyed notes

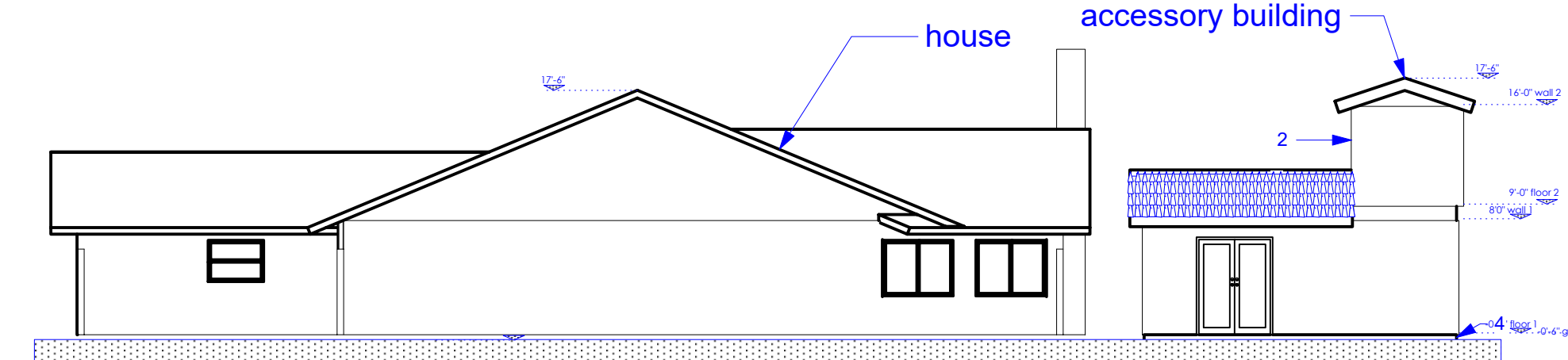
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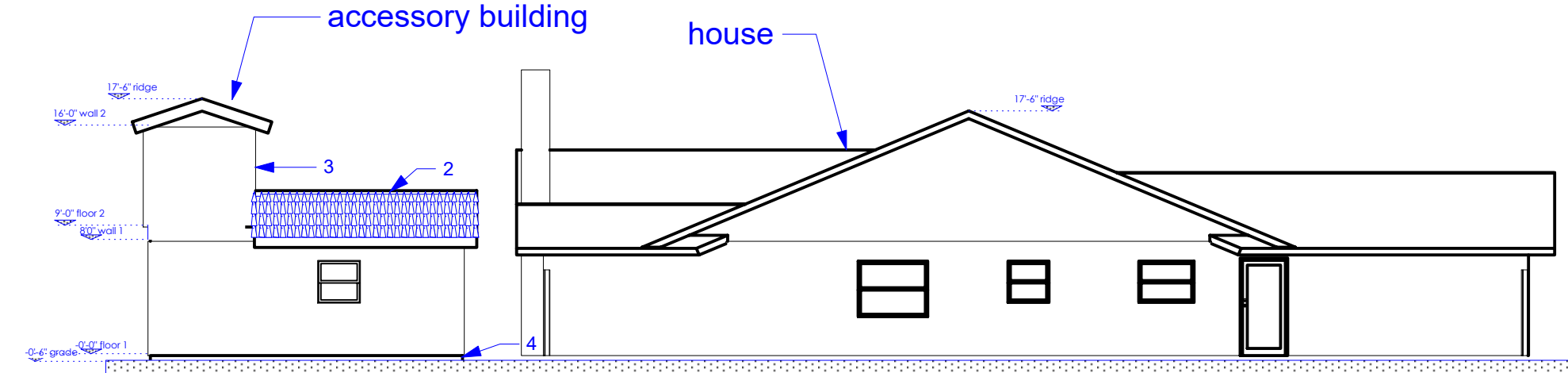
5 COMPOSITE - front
3/32" = 1'



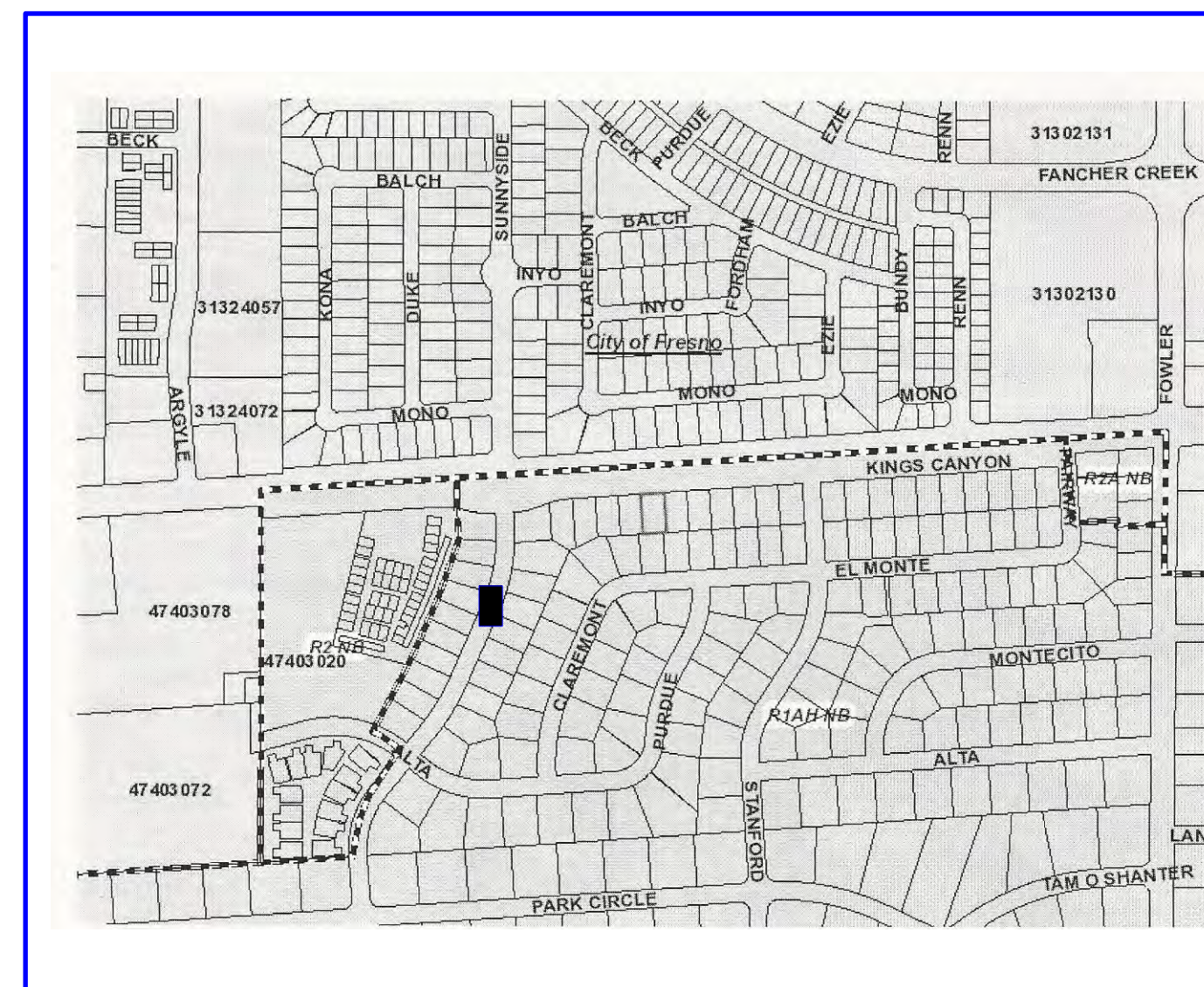
6 COMPOSITE - rear
3/32" = 1'



7 COMPOSITE
3/32" = 1'



8 COMPOSITE
3/32" = 1'



Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

House Skifam

Project:

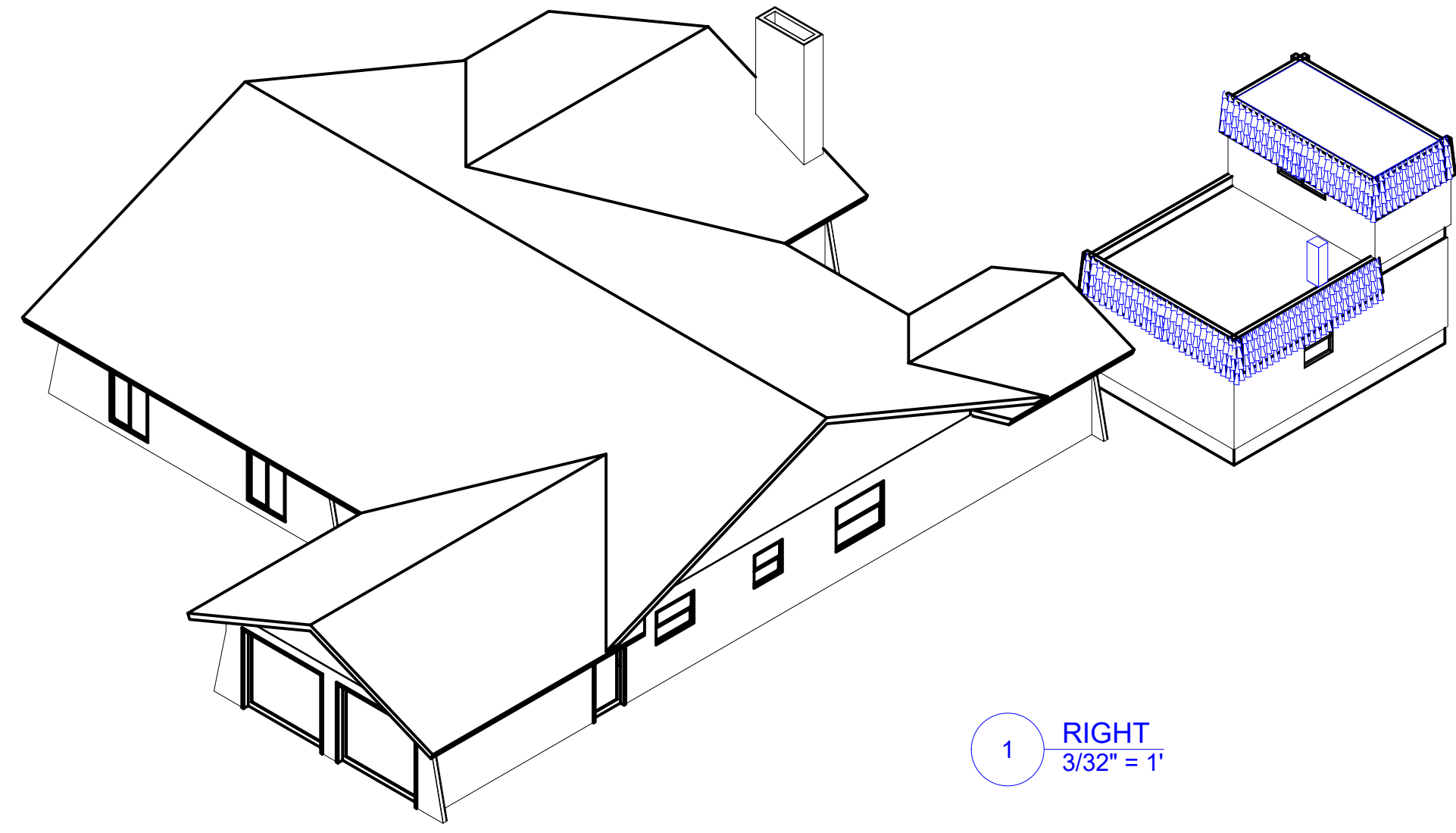
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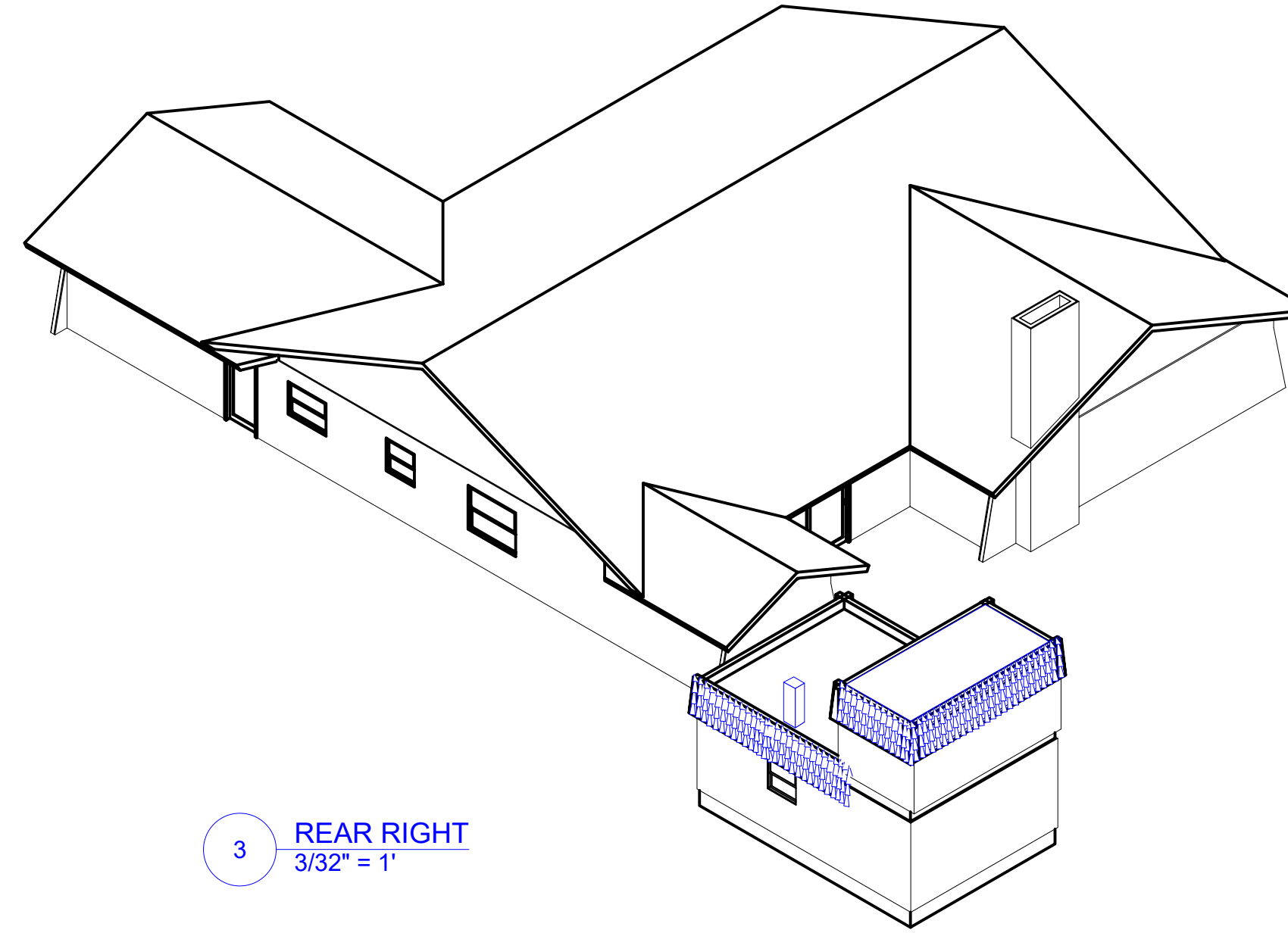
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OF
17

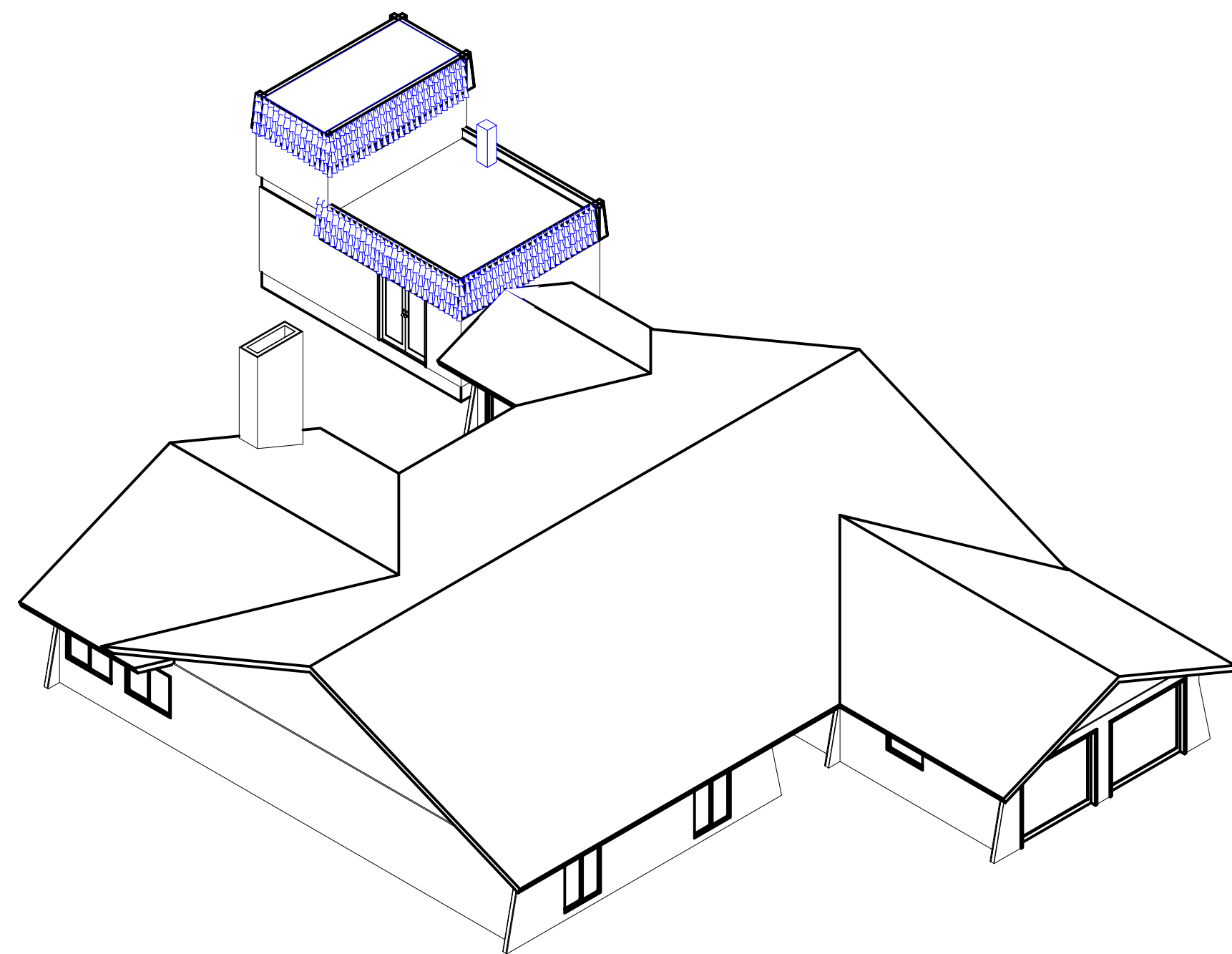
COMPOSITE elevation views E & P



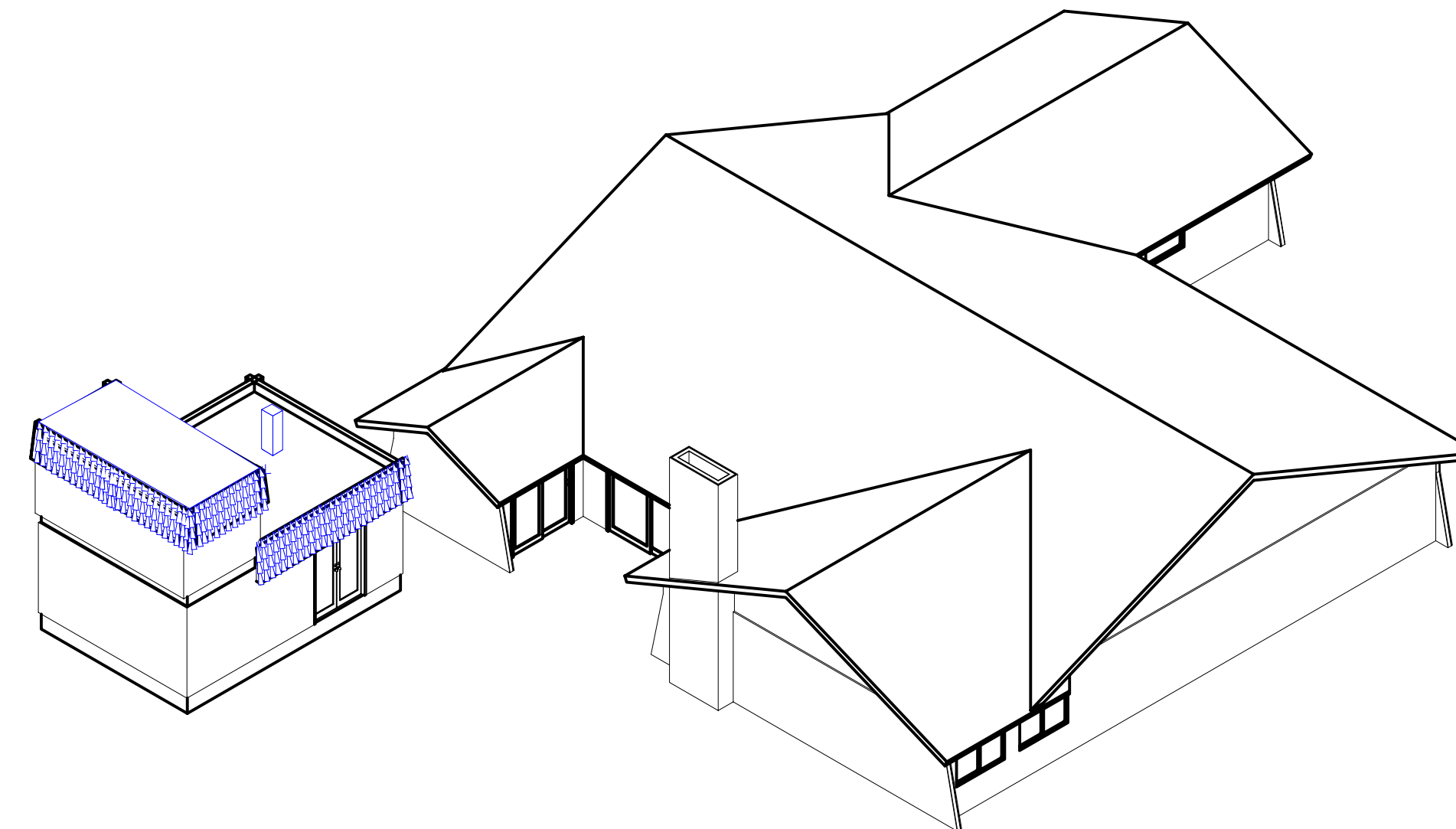
1 RIGHT
3/32" = 1"



3 REAR RIGHT
3/32" = 1"



2 LEFT
3/32" = 1"



4 REAR LEFT
3/32" = 1"

Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

Project:

Date:

Scale:

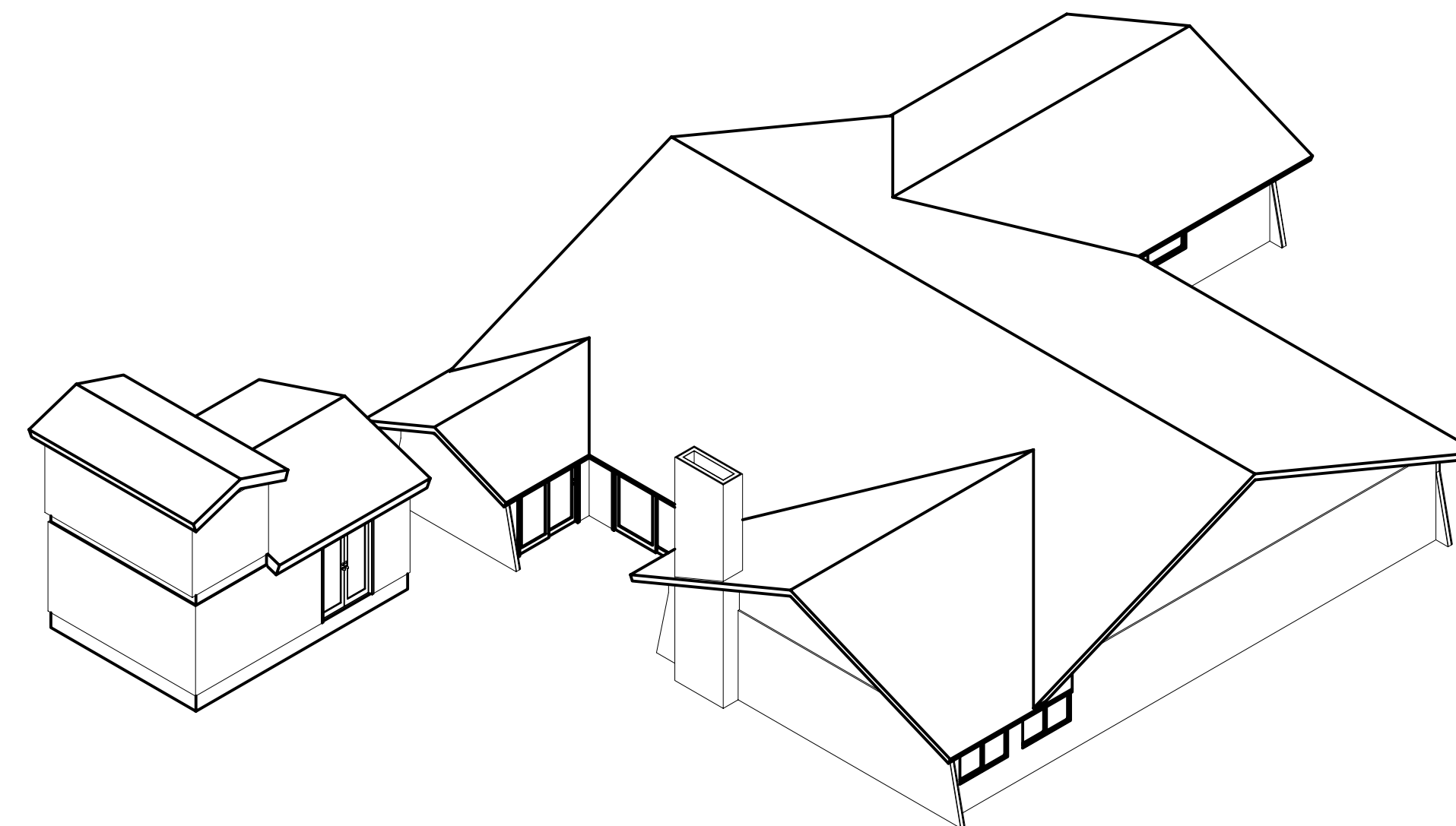
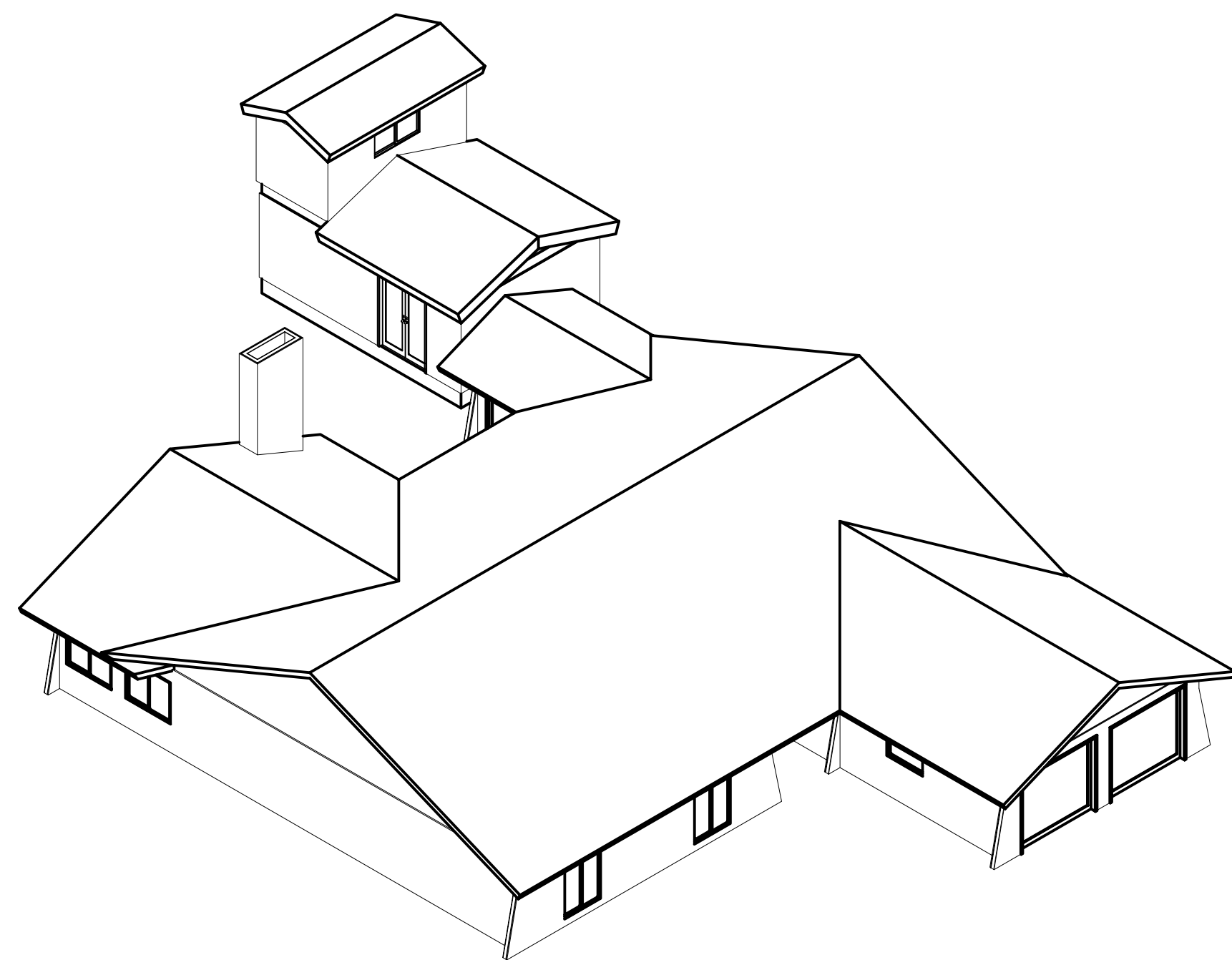
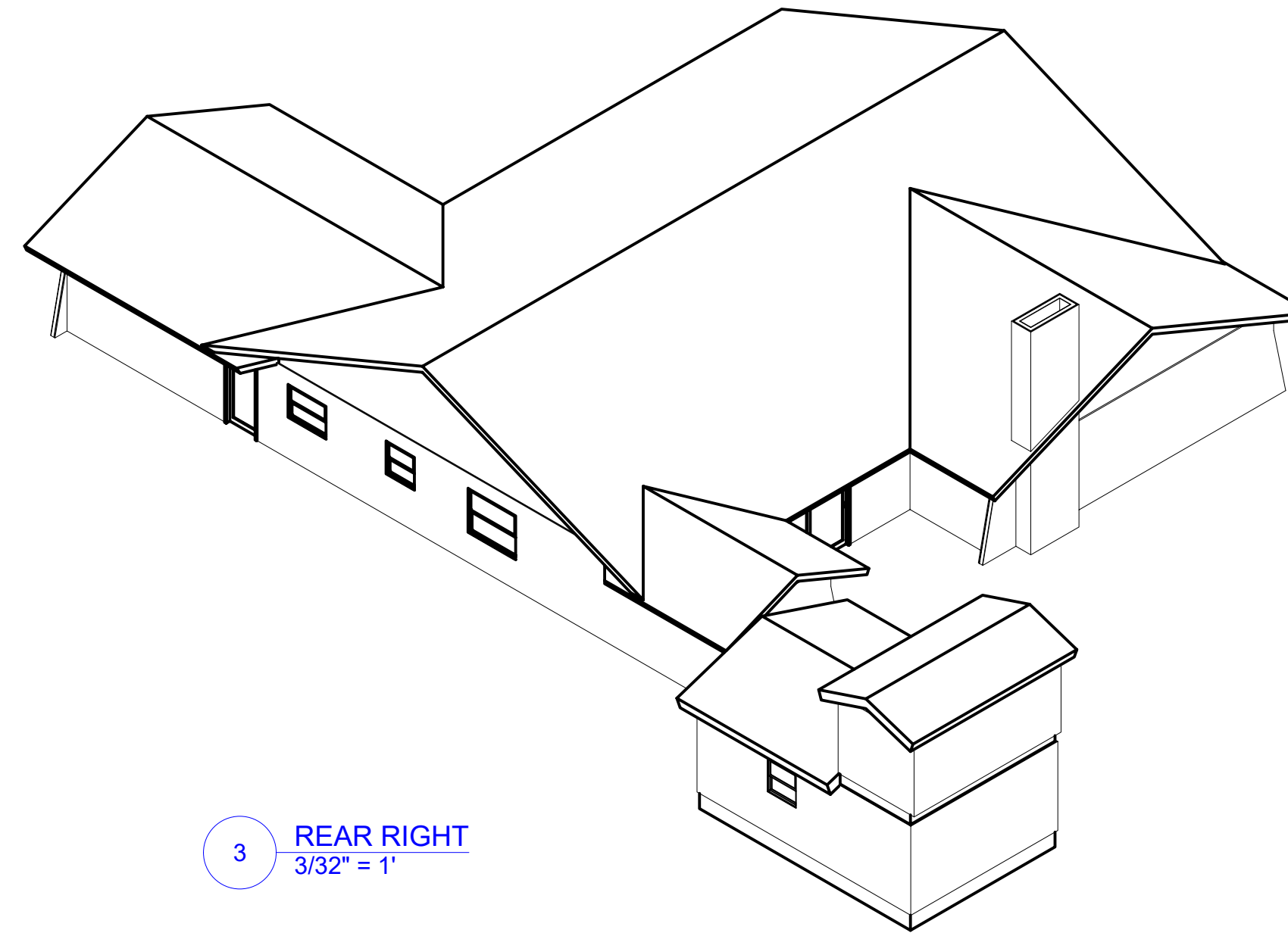
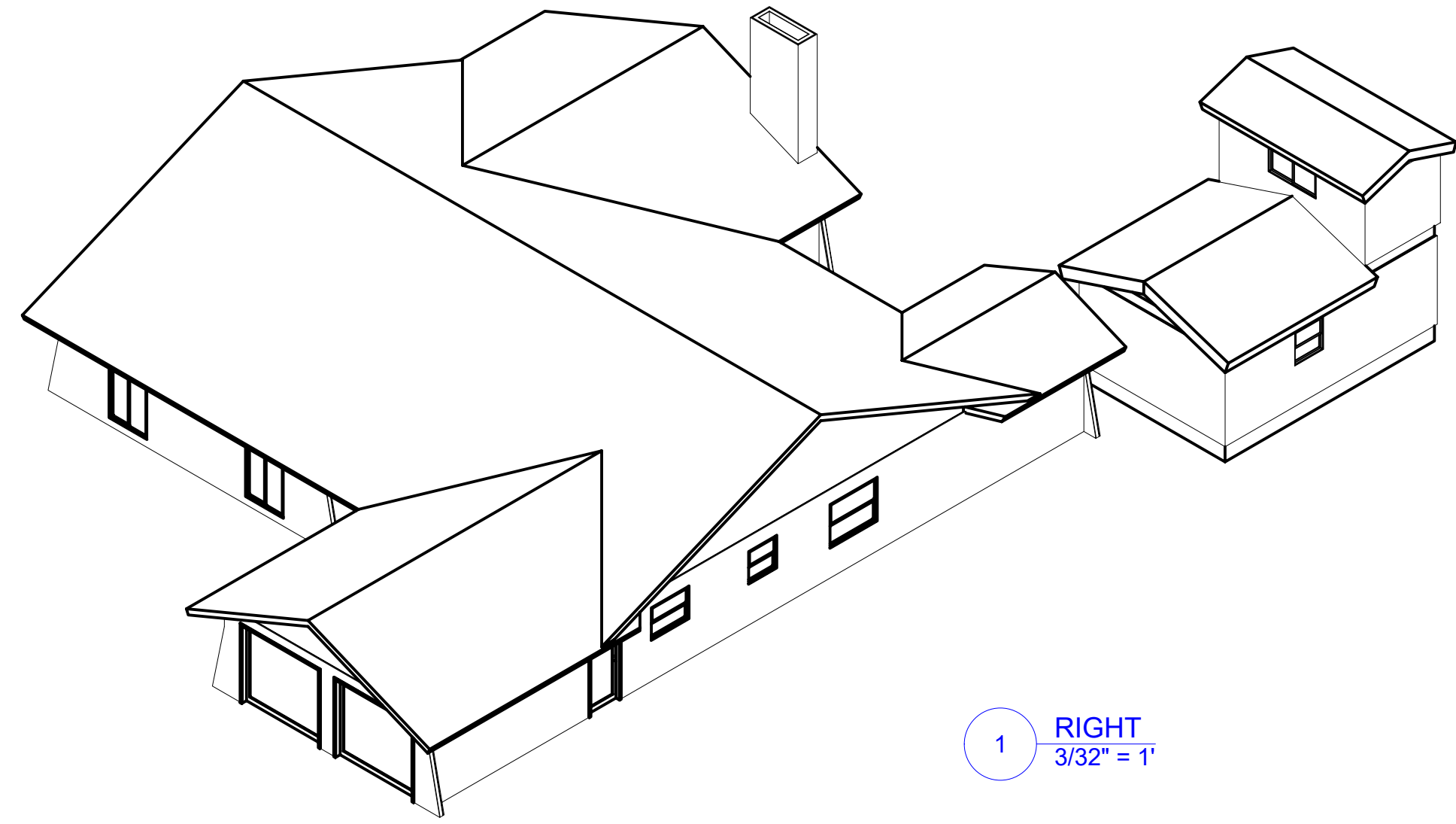
Sheet:

House Skifam

Producer:

Purpose:
Isometric views EXISTING

ff04
OF
17



Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

Project:

Date:

Scale:

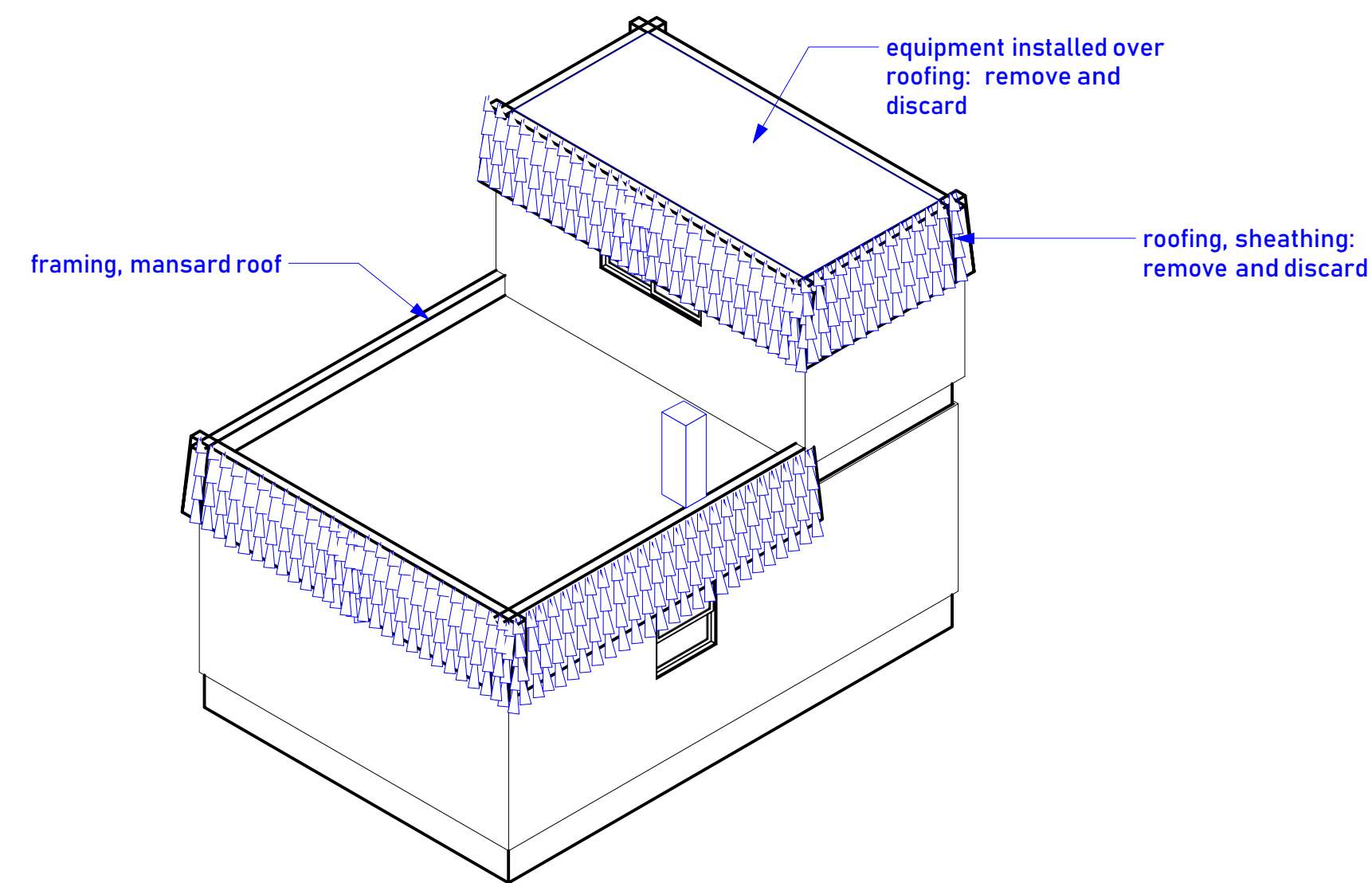
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House Skifam

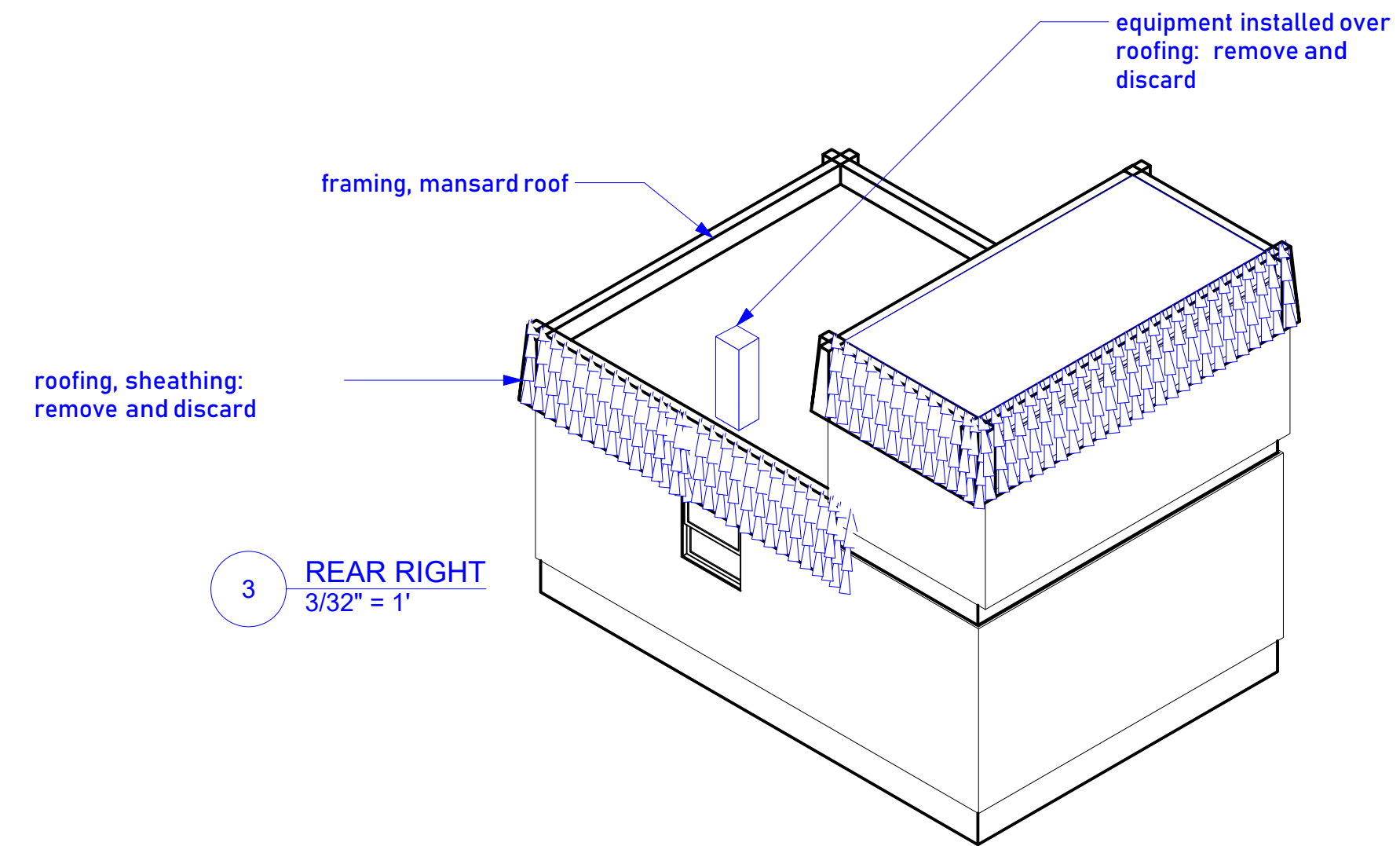
Producer:

Purpose: ISOMETRIC views PROPOSED

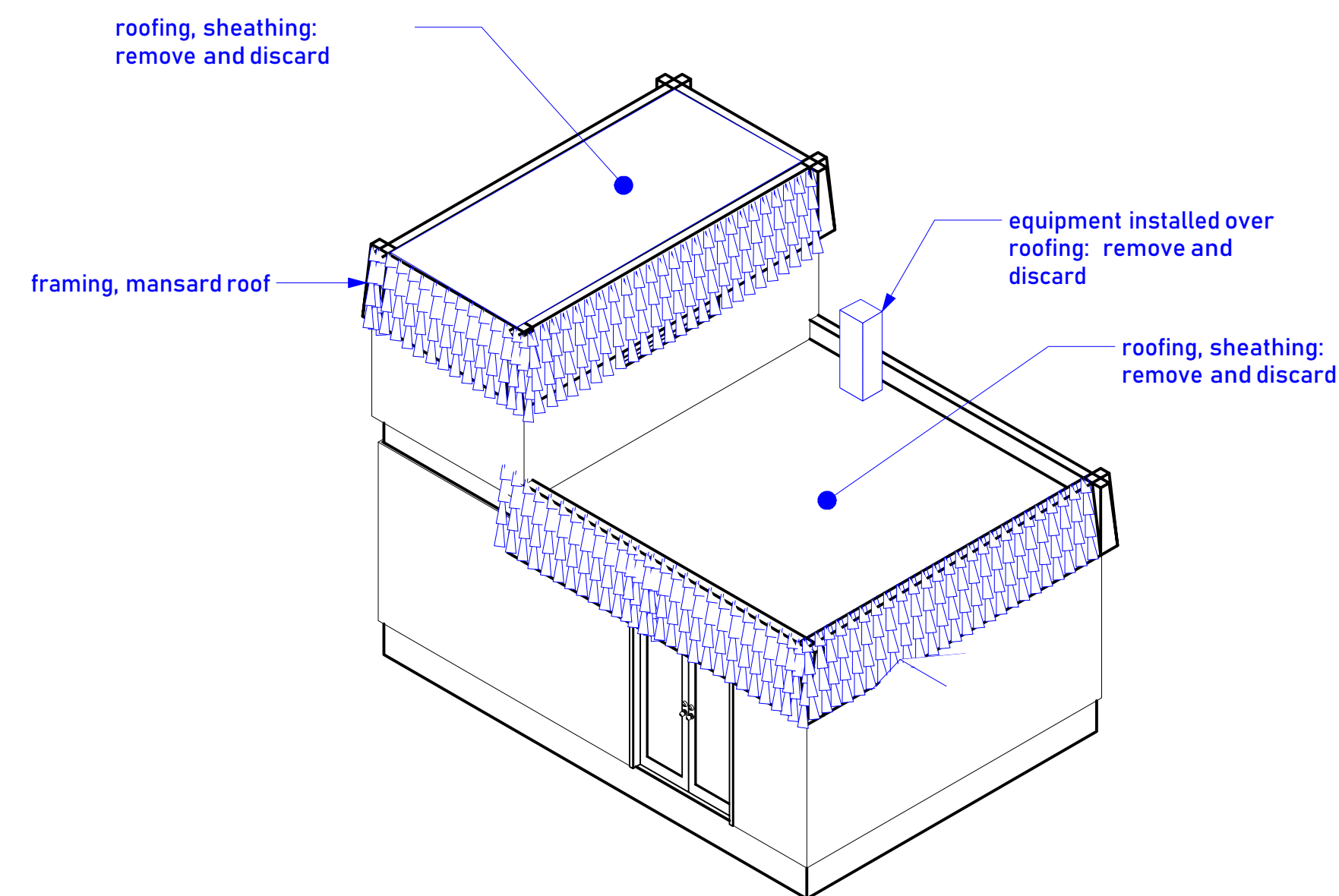
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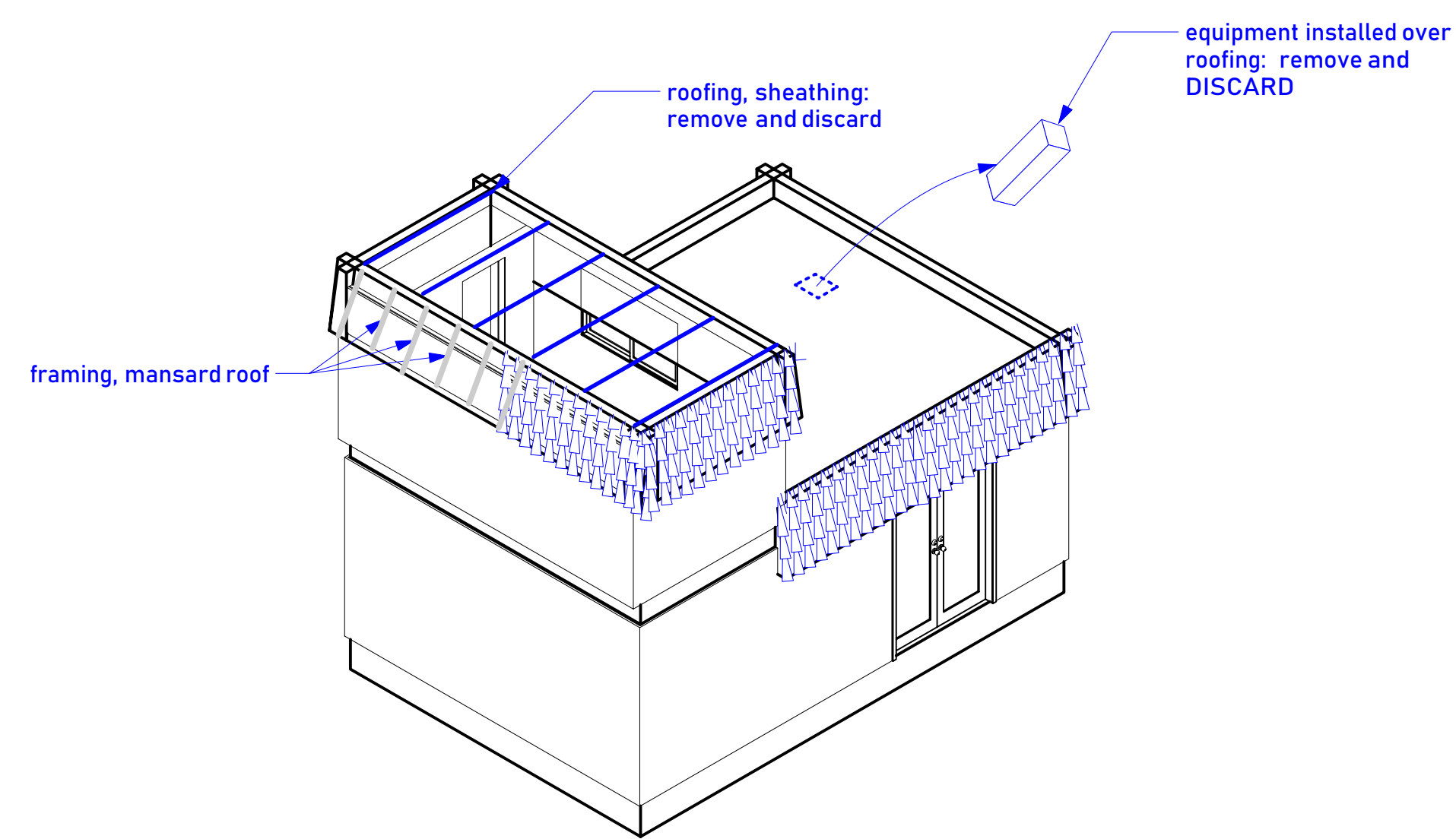
1 RIGHT
3/32" = 1"



3 REAR RIGHT
3/32" = 1"



2 LEFT
3/32" = 1"



4 REAR LEFT
3/32" = 1"

Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

Project:
House Skifam

Producer:
Purpose:
demolition plan

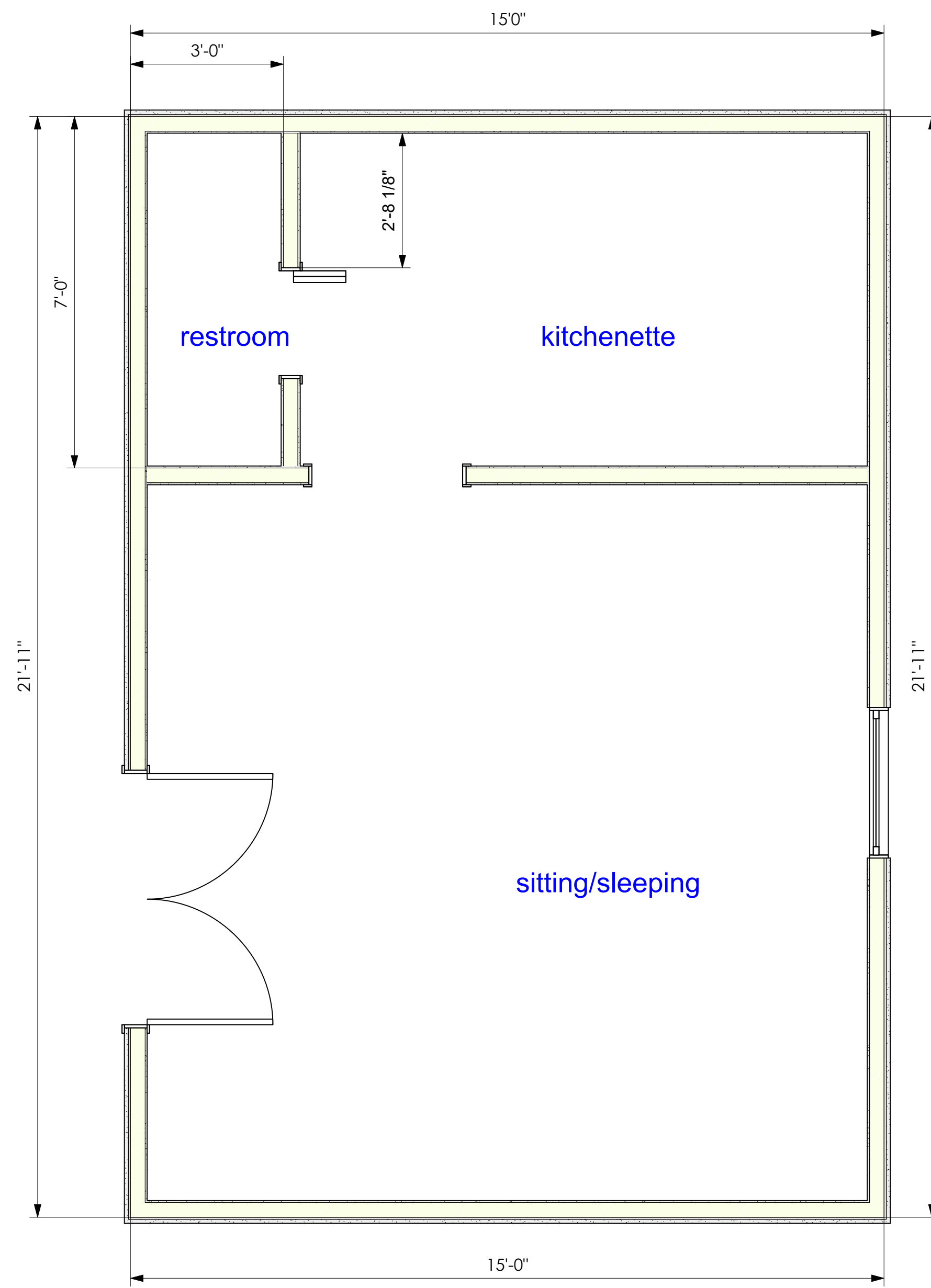
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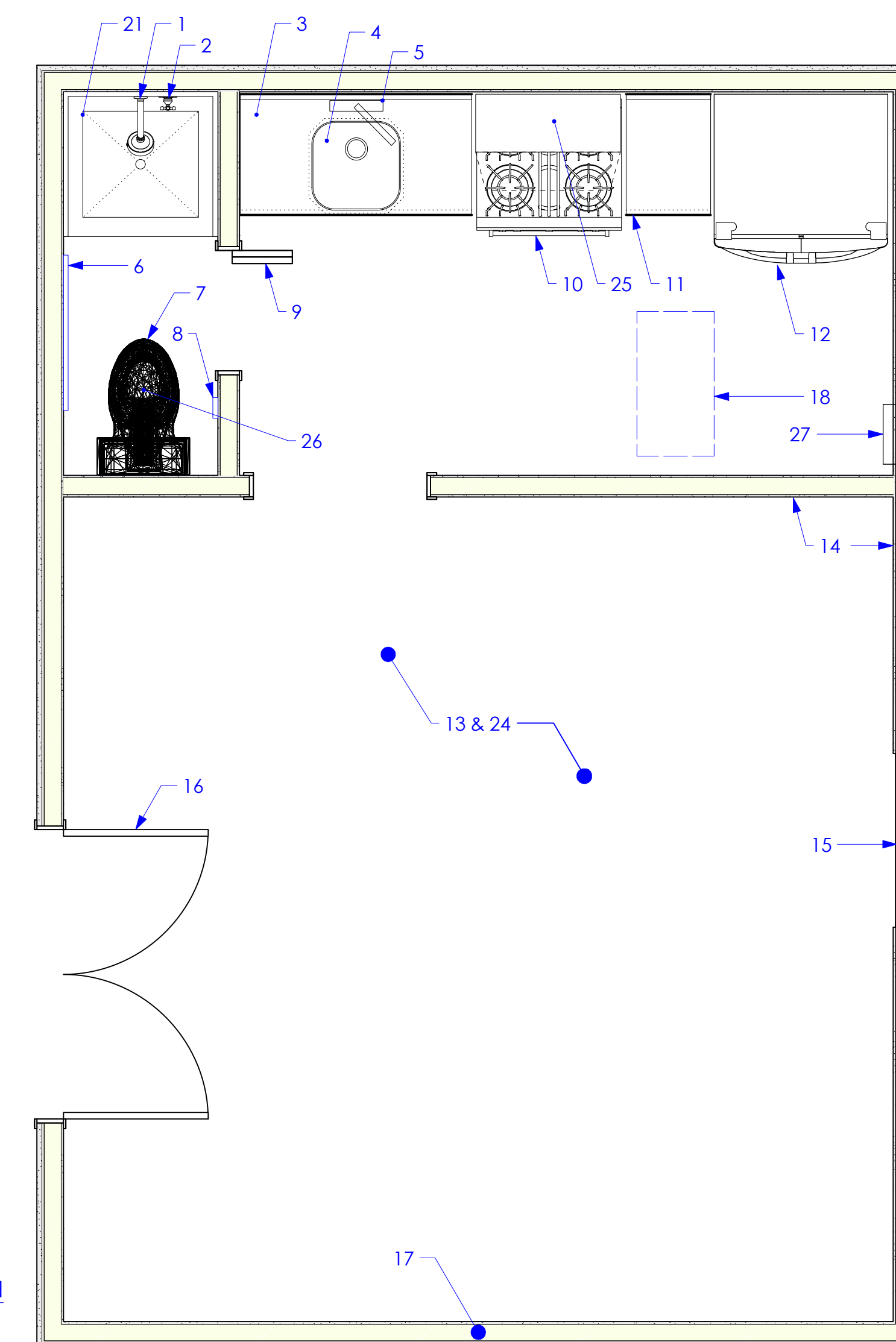
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"AS BUILT" - no changes



1 area plan dimensioned
1/2" = 1'



2 area plan annotated
1/2" = 1'

general notes space plans

1. caulking around all exterior openings, ceilings, and floors is required per CEC section 2-5304, table 2-535
2. dead-bolts and thumb latches shall not be allowed on any door unless operated by a single action with a lever (CBC 2007 1003)
3. dead-bolts shall be provided at all exterior doors; striker shall be installed with steel plate, solid-shim 6" above and below, and 2 #8 screws; provide peep-hole
4. door operating devices on doors required to be universally accessible shall not require tight grasping, pinching, or twisting of the wrist to operate 2007 CBC 1008.1.8.1
5. door or leaf at all locations shall allow unlatching with not more than one operation; CBC 1008.1.8
6. faucets and shower heads all shall be CEC certified and listed
7. gas-fueled appliances shall be equipped with pilotless ignition
8. glass windows and doors that are within 24" arc of either vertical edge of a door in the closed position; or subject to human impact and are closer than 60" above an exterior walking surface, or within 18" of an interior floor, must be of tempered glass or be covered with a protective grille
9. green vinyl sinker nails do not meet the nailing requirements of most common and box nails
10. insulation of loose-filled type, where used, must be provided with depth-markers properly installed
11. interior wall surfaces shall be sheathed with minimum 1/2" gypsum wallboard (flame-spread class III or better unless specified otherwise)
12. lath shall comply with CBC 2007 table 2507.2
13. manufacturer literature for installed equipment shall be provided by the builder to the owner
14. mechanical ventilation notes are provided on sheet "m"
15. plumbing work all should comply with 2016 UPC
16. range-top and cabinet above must have between them a distance of minimum 30" if surface is unprotected, 24" if protected, and in no case less than the distance specified by the range manufacturer; for horizontal distance provide 6" minimum if none is specified by range manufacturer
17. screens (insect) are to be installed prior to final inspection
18. smoke detector with carbon monoxide capability shall be provided in the vicinity outside of the sleeping rooms [CRC Section R315.1.1 & R315.1.2
19. carbon monoxide sensor/alarm shall be provided in the hallway outside the bedrooms in each separate sleeping area of the home. CO alarms may be installed into a plug-in receptacle or high on the wall. Hard wired or plug-in CO alarms should have battery backup. Avoid locations that are near heating vents or that can be covered by furniture or draperies. CPSC does not recommend installing CO alarms in kitchens or above fuel-burning appliances [CRC315.1, 2, & 3
20. thresholds and any change of flooring material all shall have a maximum offset of no greater than 1/4" and require a maximum beveled slope of 1 vertical unit to 2 horizontal units except that level changes not exceeding 1/4" may be vertical
21. underlayment at tubs, showers, and other surfaces affected by moisture must be sheathed with waterproof gypsum wallboard
22. valves for tubs and showers all must be of single-control with pressure-balancing or anti-scald type
23. vents to the outside all must be provided with backdraft dampers
24. wall finishes shall meet the standards CBC 2007 table 803.5 appropriate for occupancy type B
25. water heater hot-water pipes shall be insulated with min R-4 for pipe diameters of 3/4" or greater
26. water-hammer arrestors shall be installed at the water-supply for all quick-acting appliances such as laundry-washer, dish-washer, and ice-maker
27. weep screeds must be provided minimum 6.5" above earth and minimum 4.5" above paved surface

keyed notes area plan

1. nozzle, wall-mounted; refer to finish schedule
2. control, mixing for shower or tub wall-mounted; refer to finish schedule
3. cabinet kitchen base 34.5h x 24" d w/counter-top & splash
4. sink, kitchen
5. faucet-set, kitchen sink w/pull-down nozzle and lotion dispenser
6. bar, bath-towel; refer to finish schedule
7. toilet, low-flow floor-mount; refer to finish schedule
8. dispenser, rolled tissue; refer to finish schedule
9. door, bi-folding
10. range, gas appliance; refer to equipment schedule; refer to mechanical sheets for calculations
11. cabinet laundry base 34.5h x 34" d w/counter-top
12. refrigerator/freezer 30"
13. floor surface material: laminate planks
14. wall surface material: plaster, primer, paint over GWB
15. window: 36" x 36" double-hung
16. doors entry bi-parting 60" x 80"
17. wall, exterior 2x framing, insulation R-15, 1/2" GWB interior, stucco exterior
18. access to attic (with mechanical equipment): 22" x 30" represented by this rectangle; w/min 30" headroom; additional access points to be provided if attic is larger than 25' from this point; provide weatherstripping and insulation
19. N/A
20. panel electric power sub-main
21. shower-receptor, precast plastic; wall finish to 70" above the shower drain
22. fan, ceiling w/light
23. stub, main line underground connection; refer to site plan
24. sheath interior of habit: all interior walls, ceiling, beams, soffits, and wooden columns with gypsum wallboard standard type thickness 1/2"; tape all joints, spot all fasteners; float to 16"
25. extractor integral with under-cabinet exhaust-hood
26. extractor circular w/light 100 CFM 100 CFM, 3.5 Sones, 100W Incandescent 4" duct
27. heater, water "tankless" shall be wall-mounted per manufacturer's instructions; vent to exterior per manufacturer's printed instructions; refer to notes regarding proximity to doors, openable windows, attic vents, and crawl-space vents, air-intake devices; refer to mechanical plan

Designer/Contact Information:

Drawn By:

Revision Date:

NOTES:

House Skifam

Project:

Producer:

Purpose:

area plans

Date:

Scale:

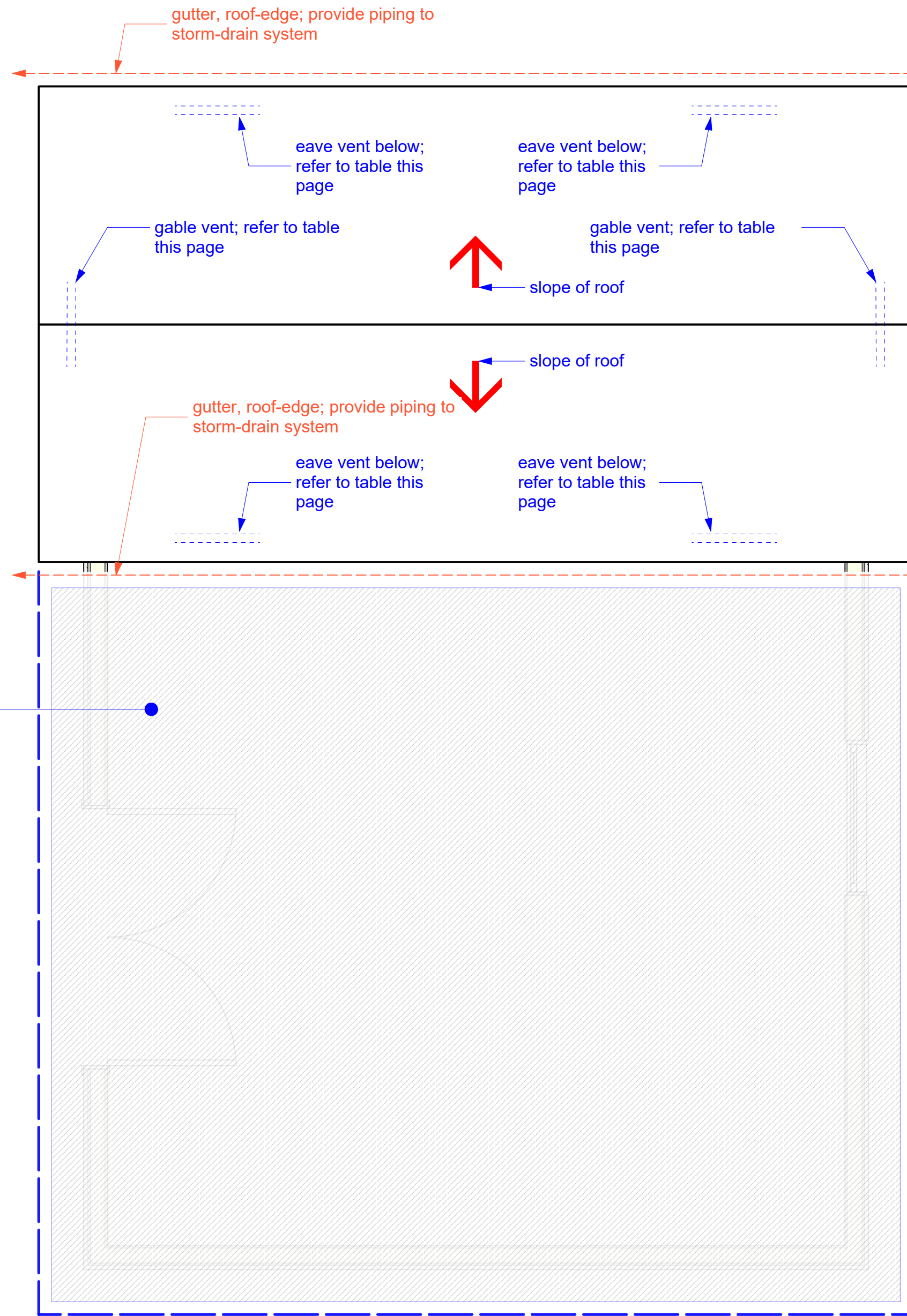
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REMODEL ROOF ONLY

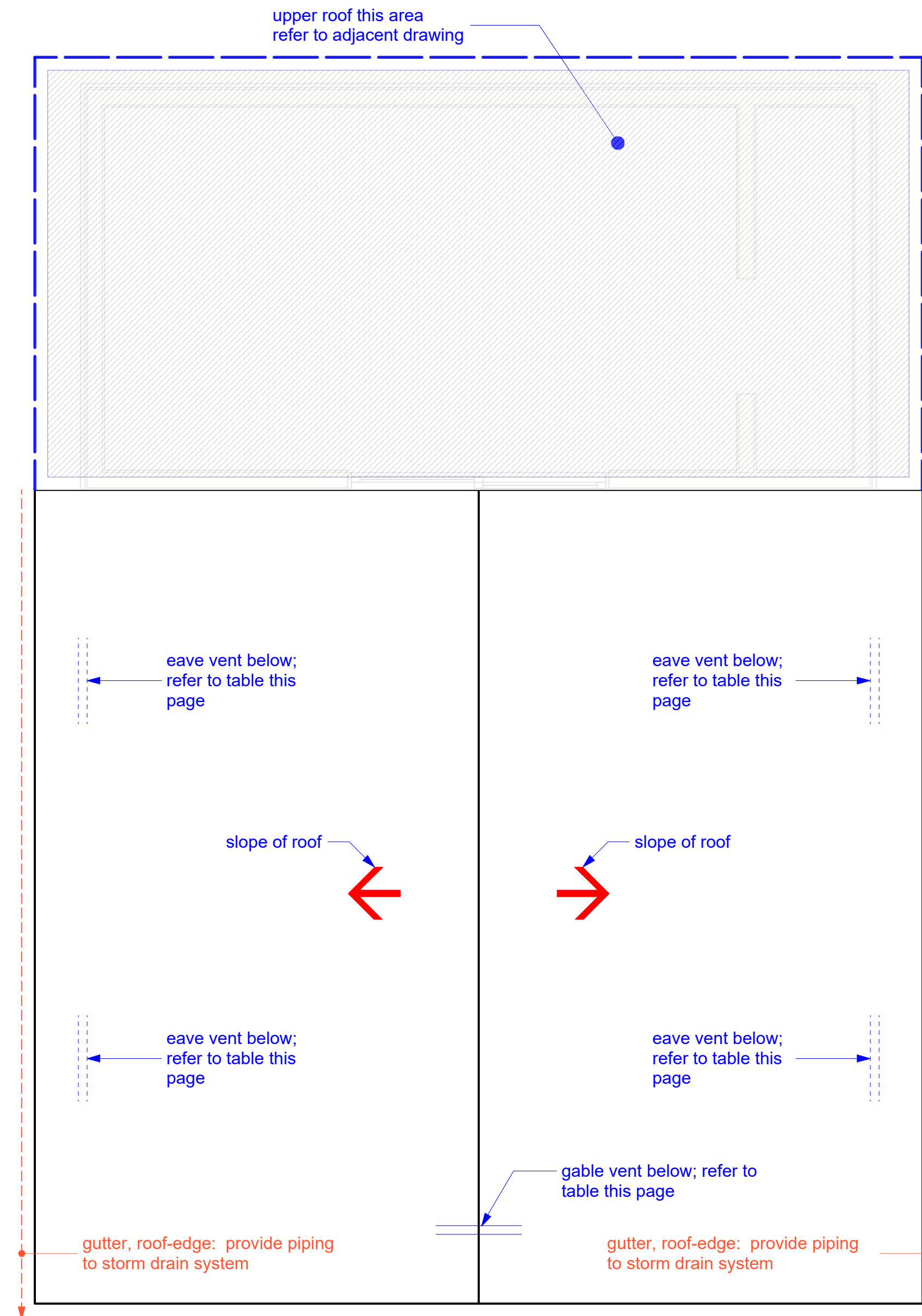
general notes roof plan

- all new cricket and tapered insulation shall be installed with a finish 1/4" per foot minimum slope; Cricket the upslope side of all square curbs and projections over 30" in width
- all piping, conduits, etc., shall be minimum 10' above roof surface; provide portable pipe hangers with protection pads; MEP contractors shall provide supports for new lines
- contractor shall review and coordinate with architectural, MEP, and structural plans to ascertain that exact conditions and related components to the work described by these documents. All work shall be in compliance with accepted manufacturer's printed instructions and NRCA standards
- dimensions, equipment, size and location of equipment shown on this roof plan and details are for reference and information only. Exact size, location, and type of material and type of construction are the responsibility of the subcontractor to confirm and general contractor to coordinate.
- general contractor to coordinate location and orientation on roof hatch and access ladder where applicable
- general contractor shall ensure all roof-top penetrations, equipment, soil stacks, etc., minimum 20" from other deck penetrations, rise walls, and roof edge
- isolate all heat pipes, flues as recommended and outlined in the NRCA manual for isolated stack flashing
- provide walkway protection pads around all roof hatches, AC units, and all roof-top equipment
- refer to nomenclature for the type of roof system areas where marked with designated letter; refer to roof plan and nomenclature.
- upon substantial completion the general contractor shall examine and ensure that drainlines, gutters, and downspouts are free of debris and blockage; flush with water to ensure that drains flow freely where applicable



keyed notes roof-plan

- vapor-barrier: 6 mil (0.006 inch; 152 µm) polyethylene or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists. R506.2.3
- plate, sill shall be of foundation-grade redwood or pressure-treated; refer to structural wall page for thickness
- sheath habitable interior with gypsum board standard type all walls, ceiling, beams, soffits, and wooden columns; tape all joints, spot all fasteners; float to 16"
- fascia smooth decay-resistant to match existing roof
- roofing system; refer to roof plan
- rafter tails trim to straight line and vertical cut for fascia to match existing roof faces
- blocking, shaped; 2x solid along eave except at vents; refer to structural roof page
- cladding exterior walls stucco; refer to stucco notes
- plate, double-top; refer to structural wall
- N/A
- separation wood to earth: wood supported by exterior foundation walls, wood framing members, including wood sheathing, that rest on exterior foundation walls and are less than 8 inches (203 mm) from exposed earth
- sand fill
- grade 2% away; refer to detail on site-plan page
- footing; refer to structural foundation page & details
- soil, native undisturbed or compacted
- insulation walls; batt-type R13 x 15" batts per energy analysis



concrete and clay tile roofing general notes

- refer to tile manufacturer's concrete and clay tile installation manual proper installation practices, industry standards, and code requirements
- sheathing must be adequate to support the loads involved, but not less than nominal 1-inch-thick lumber or nominal 15/32-inch-thick plywood or other decking material recognized in a code evaluation report or by the local building official
- battens shall be nominal 1" x 2" complying with IBC Chapter 23, section 2302 (nominal size).
- eaves treatments shall include bird stop/eave riser
- valley flashing shall extend each way 11" from center and have a splash diverter rib 1" high; refer to table for more details.
- wall trays (Pans) shall be minimum 6" trough; refer to table for more details.
- pipe flashing; deck & tile flashing is required, profile tile flashing to be malleable metal flashings. refer to table for more details.
- In-wall counter flashing Z-bar is recommended or surface mount reglet (pin) flashing for re-roof. refer to table for details
- Fasteners: refer to table for requirements.
- Ventilation: Per local building code requirements in this section of construction plans
- Nails and Fastening Devices Corrosion resistant meeting ASTM A641 Class 1 or approved corrosion resistance, of No. 11 gauge diameter and of sufficient length to properly penetrate 3/4" into or through the thickness of the deck or batten, whichever is less. The head of the nail used for tile fastening shall not be less than 5/16" (.3125") and complying with ASTM F 1667 for dimensional tolerances (+0%, -10%).
- Screws - Corrosion resistant meeting code approval equal of sufficient length to properly penetrate 3/4" into or through the thickness of the deck or batten, whichever is less. Screw diameter and head size should be selected to meet good roofing practices and the screw manufacturer's recommendations
- Flashing - Flashing shall be installed at wall and roof intersections, wherever there is a change in roof slope or direction and around roof openings. Where flashing is of metal, it shall be of; 0.019" Galvanized (G90) 0.019" Aluminum 16 Oz Copper 3 lb Soft Lead.
- Single layer underlayments shall meet the minimum requirements of ASTM D226 Type II (No. 30 Felt) (ASTM D4869 Type IV), or approved equal.

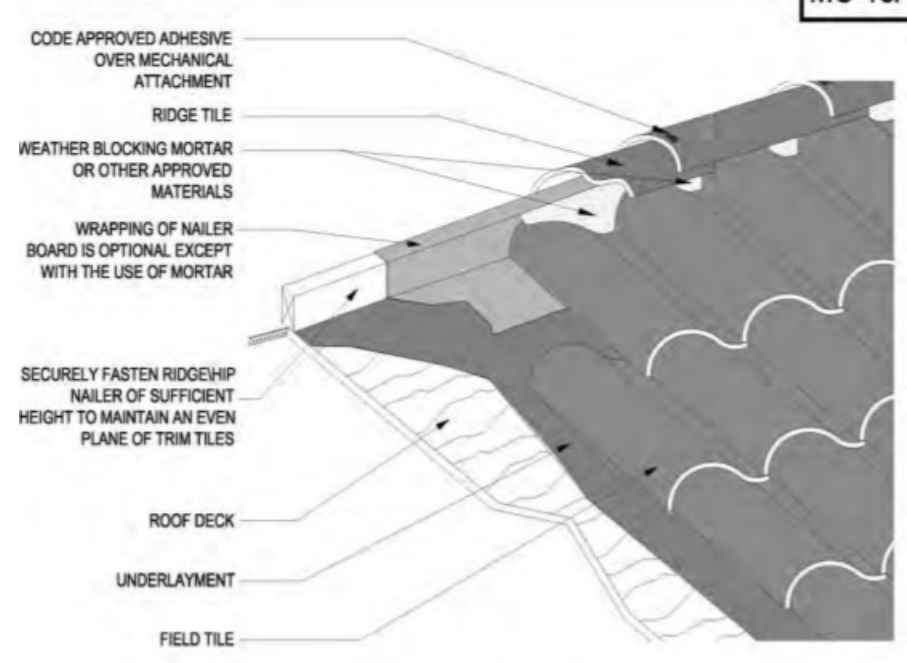
1 upper 1/2" = 1'

2 lower 1/2" = 1'

attic ventilation calculations

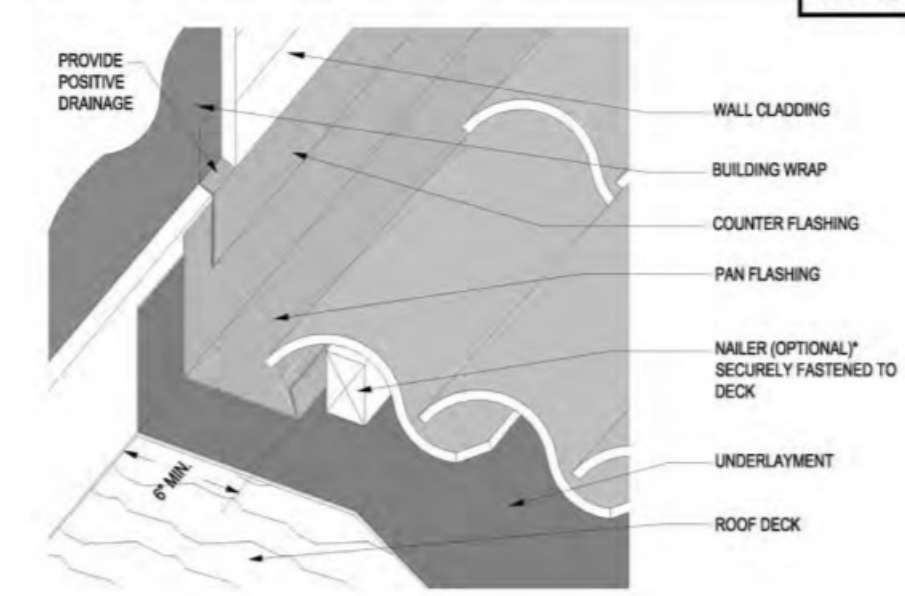
#	description	area (sqft)	required		provided										
			convert to nftva	total zone nftva	upper				lower						
					nftva required in upper and in lower	gable-end Plyco #2230ST access door	domer Gibraltar LPDG19	eyebrow Plyco #2000	total nftva	eave Construction metals #EV223					
A	lower	400	/150	x144	384	192	1	660	0	0	0	0	660	14	546
B	upper	100	/150	x144	96	48	2	1320	0	0	0	0	1320	14	546

HIP AND RIDGE MC-18A



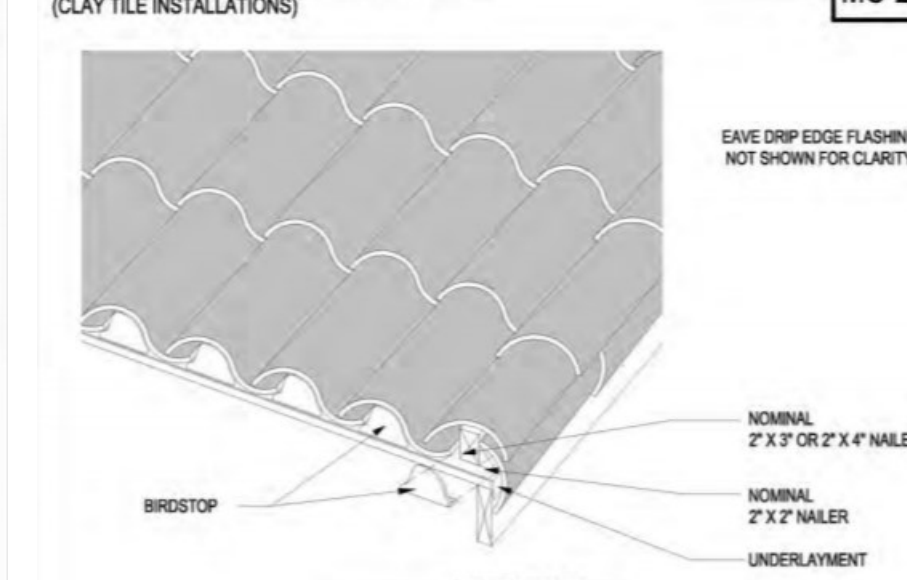
Notes:
 1. For recommended underlayment and fastening requirement, see Table 1A and 1B.
 2. All hip and ridge tile are required to have a code approved adhesive or special clip between laps of tile to cover nail hole and create a bond between ridge tiles.
 3. Battens for tiles with protruding anchor legs are optional for slopes between 3:12 and 7:12. Direct deck attachment of tile as approved by local building official will be allowed.
 4. Dimension shown are minimum and are intended to be approximate to allow for reasonable tolerance due to field conditions, and are practice.

SIDEWALL DETAILS - CLAY S' TILE MC-13



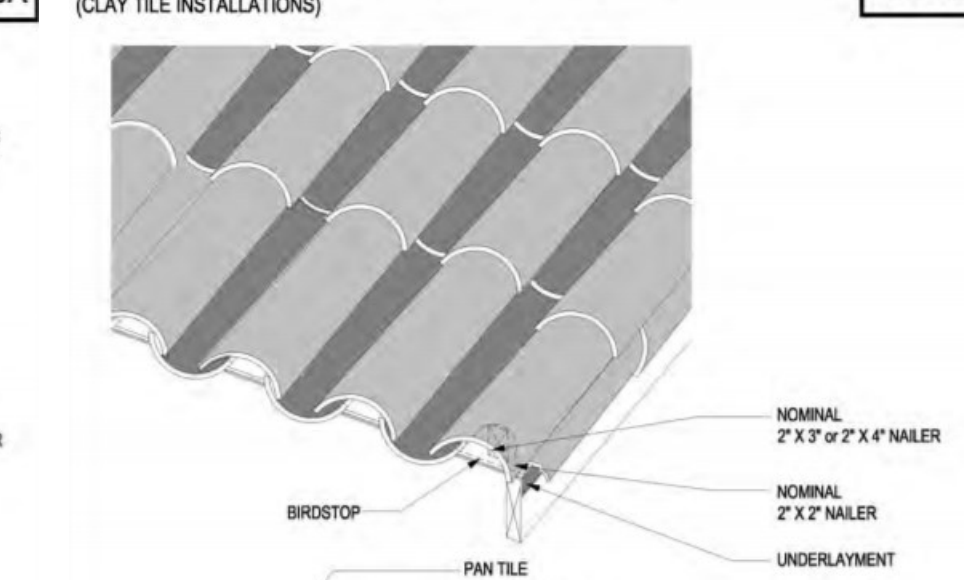
*Note: Tiles to be installed in such a fashion as to prevent water diversion or blockage. For recommended underlayment and fastening requirement, see Table 1A and 1B.
 Notes:
 1. Underlayment should extend a minimum of 4" up vertical wood blocking or wall.
 2. See MC-12B for additional flashing details.

GABLE \ EAVE INSTALLATION (CLAY TILE INSTALLATIONS) MC-20A



Notes:
 1. Dimensions shown are minimum and are intended to be approximate to allow for reasonable tolerance due to field conditions.

GABLE \ EAVE INSTALLATION - BARREL TILE MC-20



Notes:
 1. Dimensions shown are minimum and are intended to be approximate to allow for reasonable tolerance due to field conditions, and are practice.
 2. See Table 1A for additional fastening requirements.

Designer/Contact Information:

Drawn By:

Revision/Date:

NOTES:

House Skifam

Project:

Date:

Scale:

Sheet:

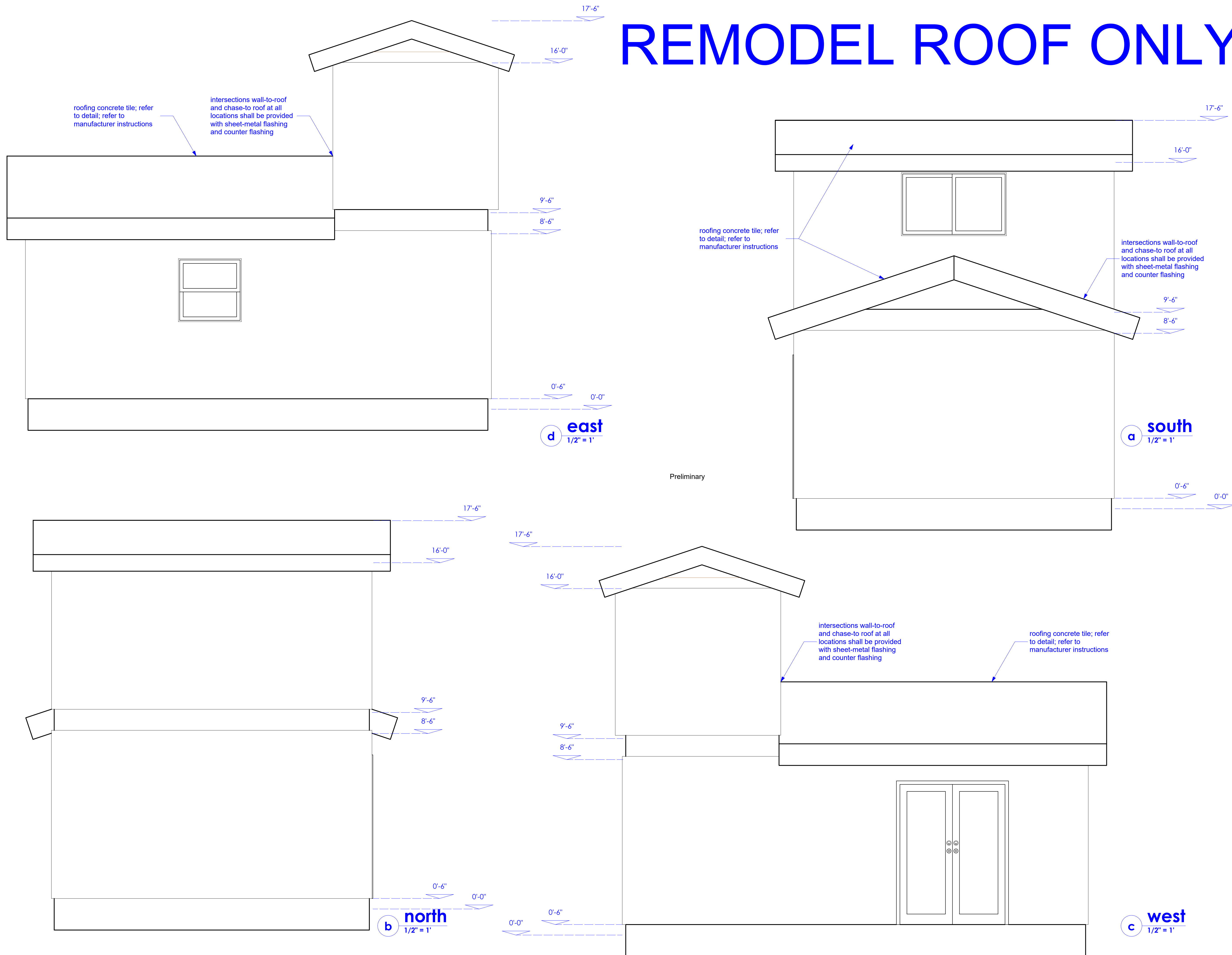
Producer:

Purpose:

roof lower & upper

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REMODEL ROOF ONLY



Designer/Contact Information:

Drawn By:

Revision Date:

NOTES:

House Skifam

Project:

Date:

Scale:

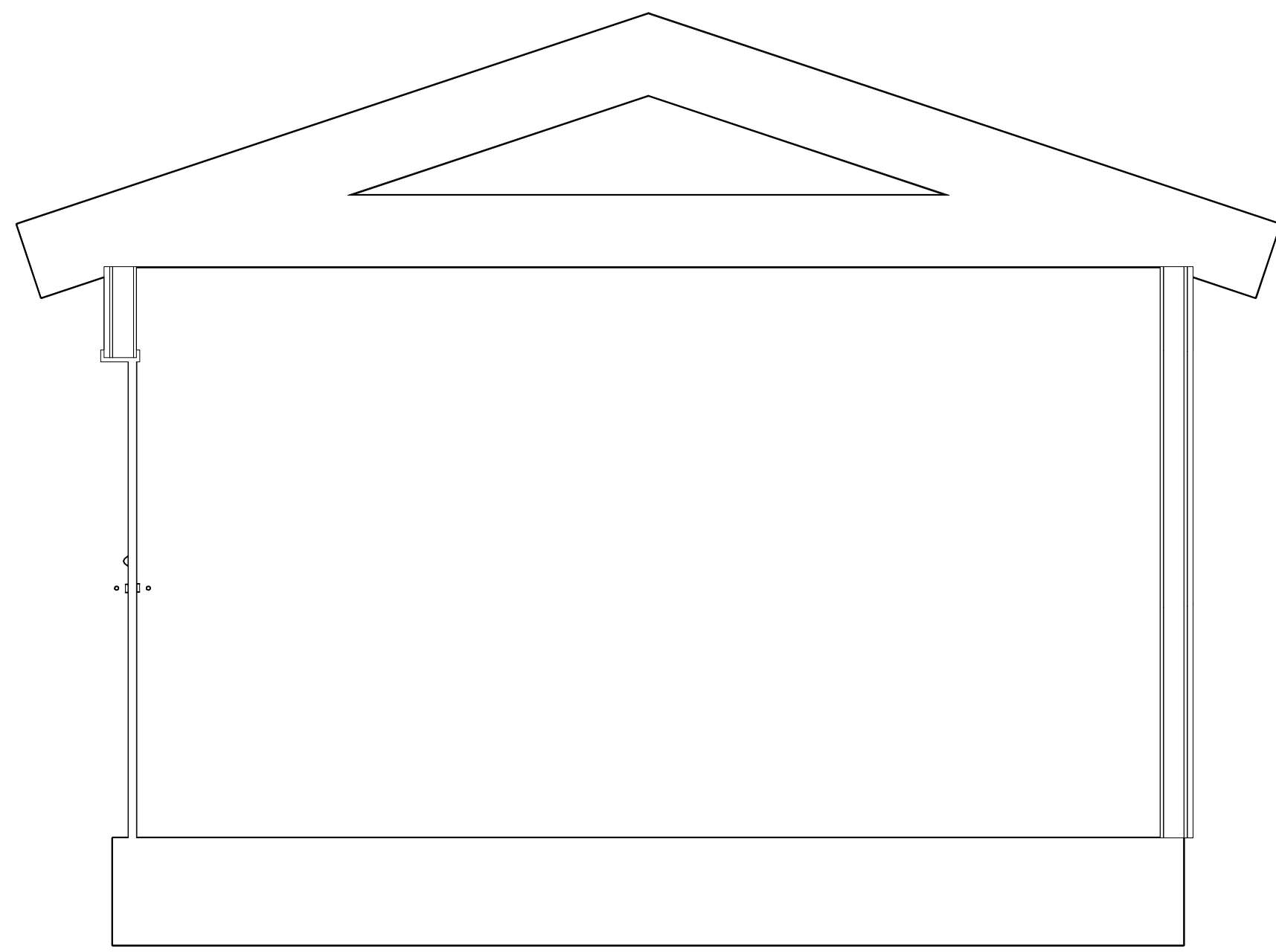
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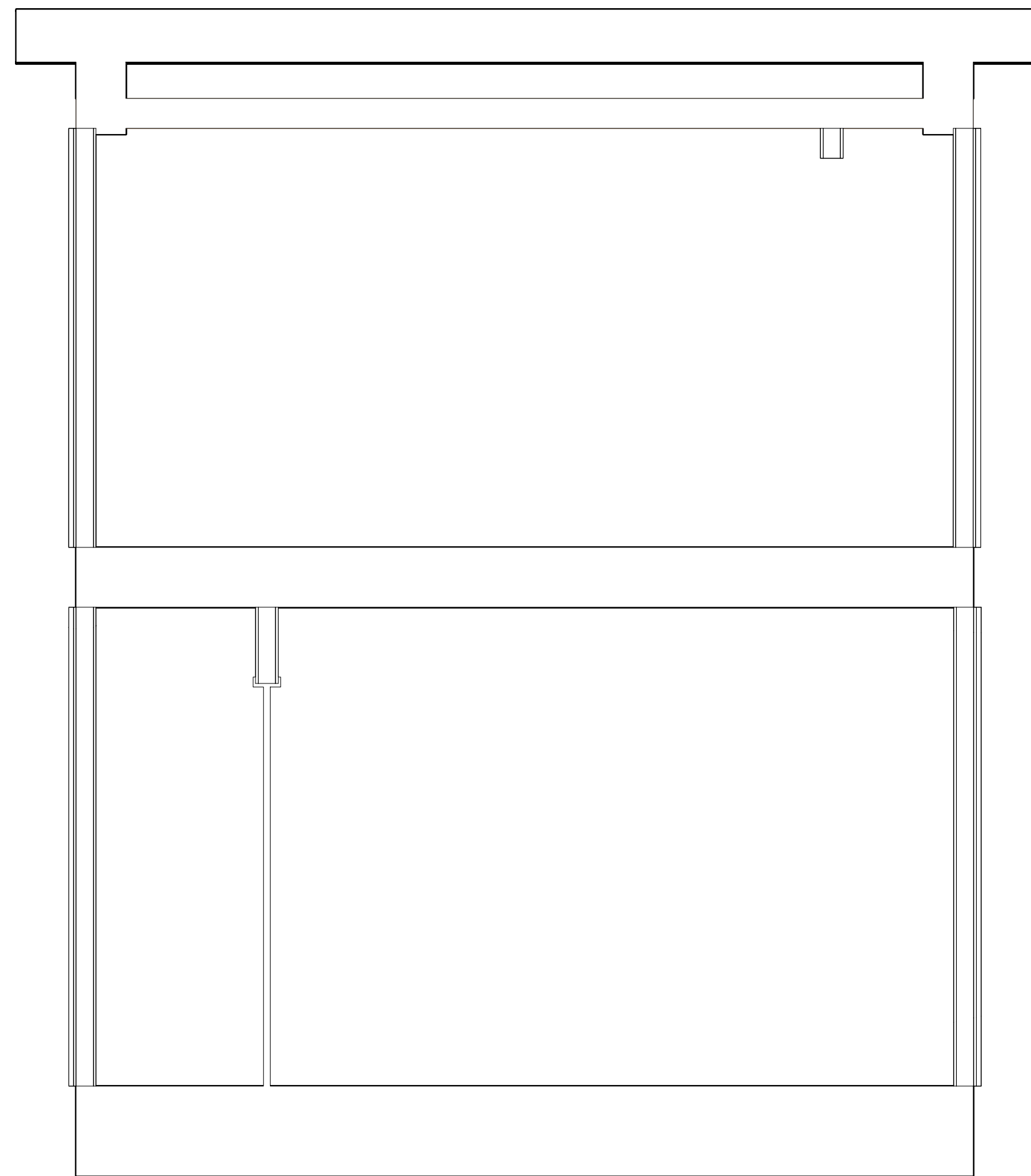
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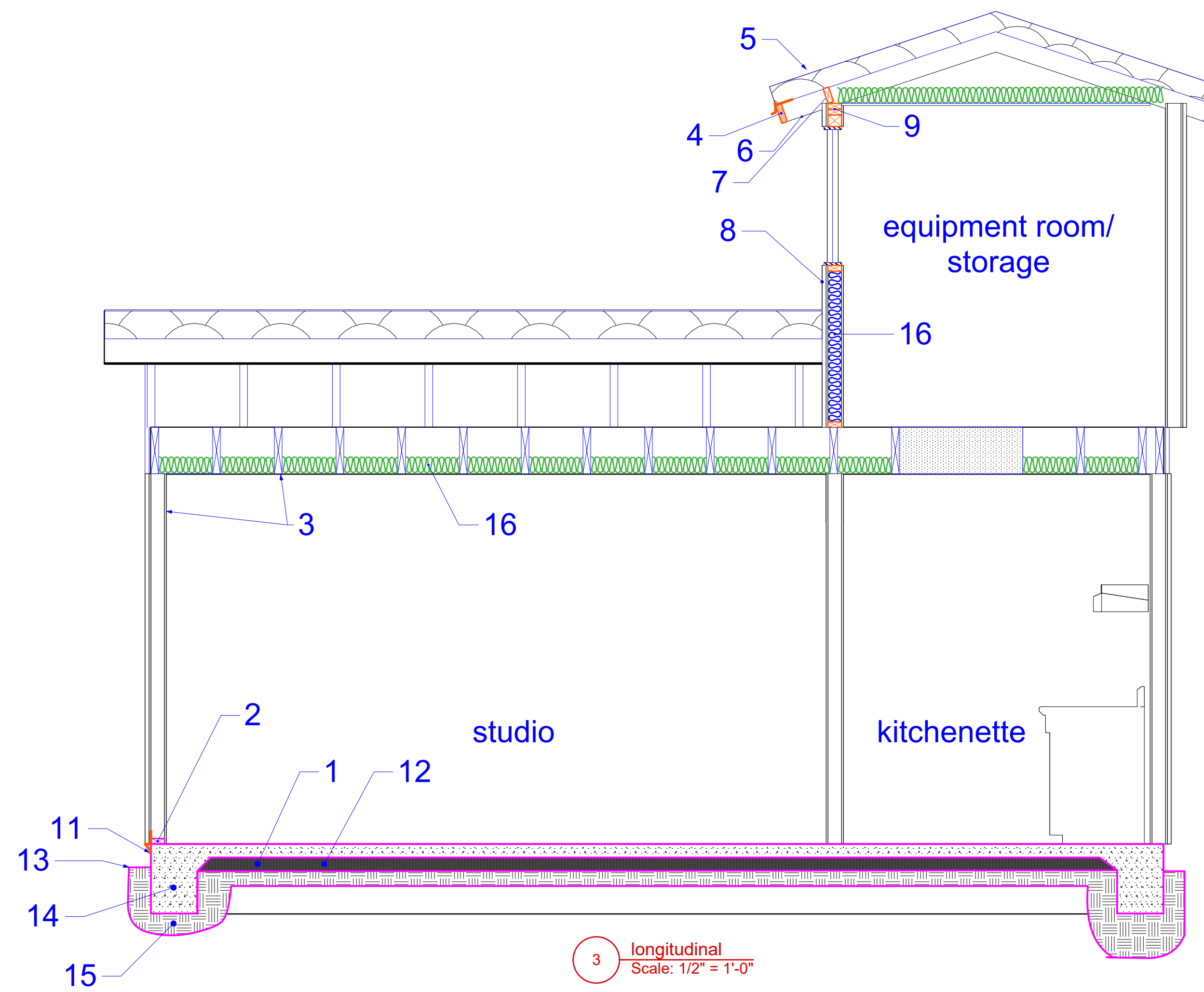
elevation exterior



2 lateral tier 1
Scale: 1/2" = 1'-0"



1 lateral tiers 1 & 2
Scale: 1/2" = 1'-0"



3 longitudinal
Scale: 1/2" = 1'-0"

Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

Project:
House Skifam

Producer:
Purpose:
section views

Date:

Scale:

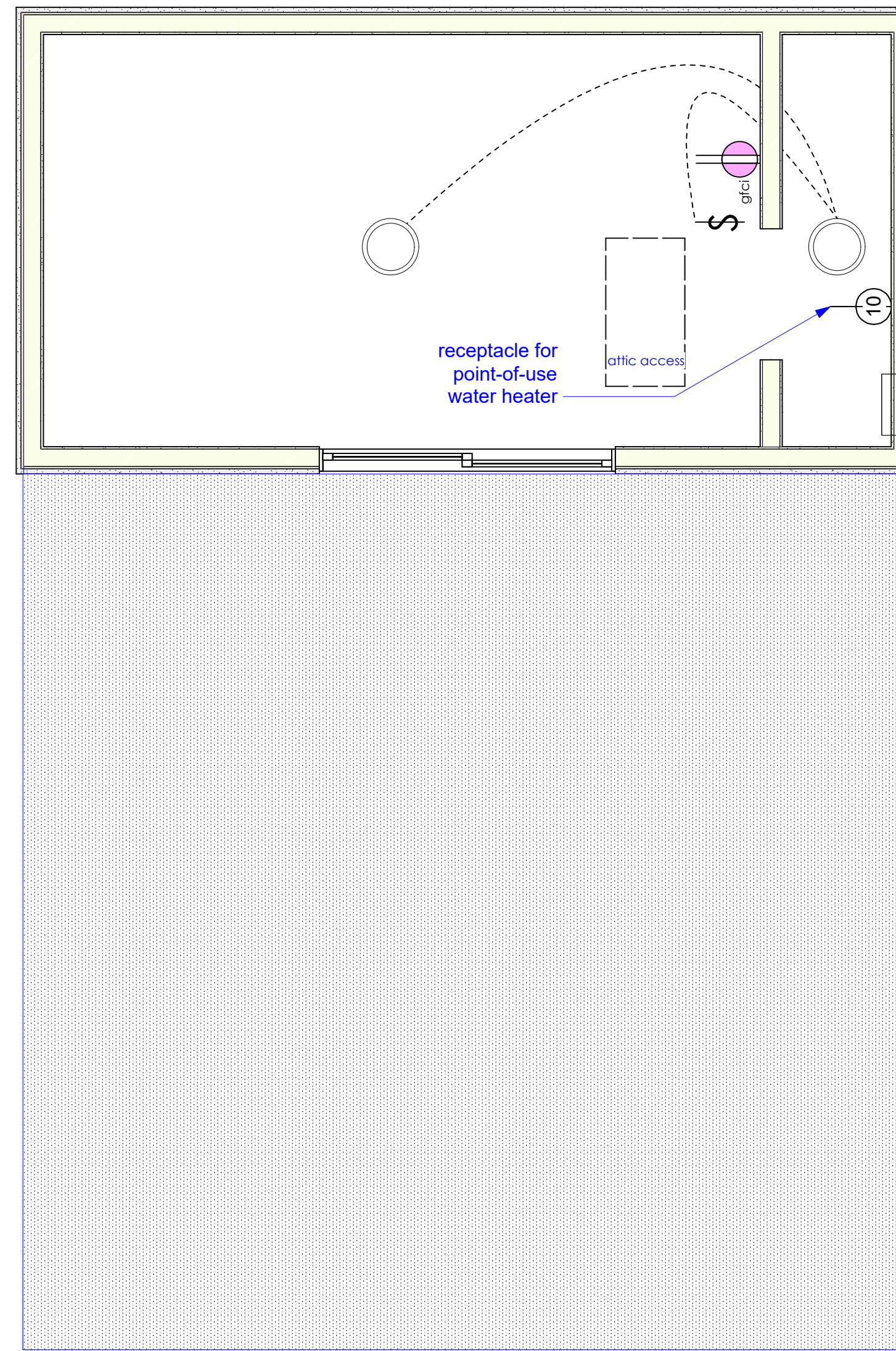
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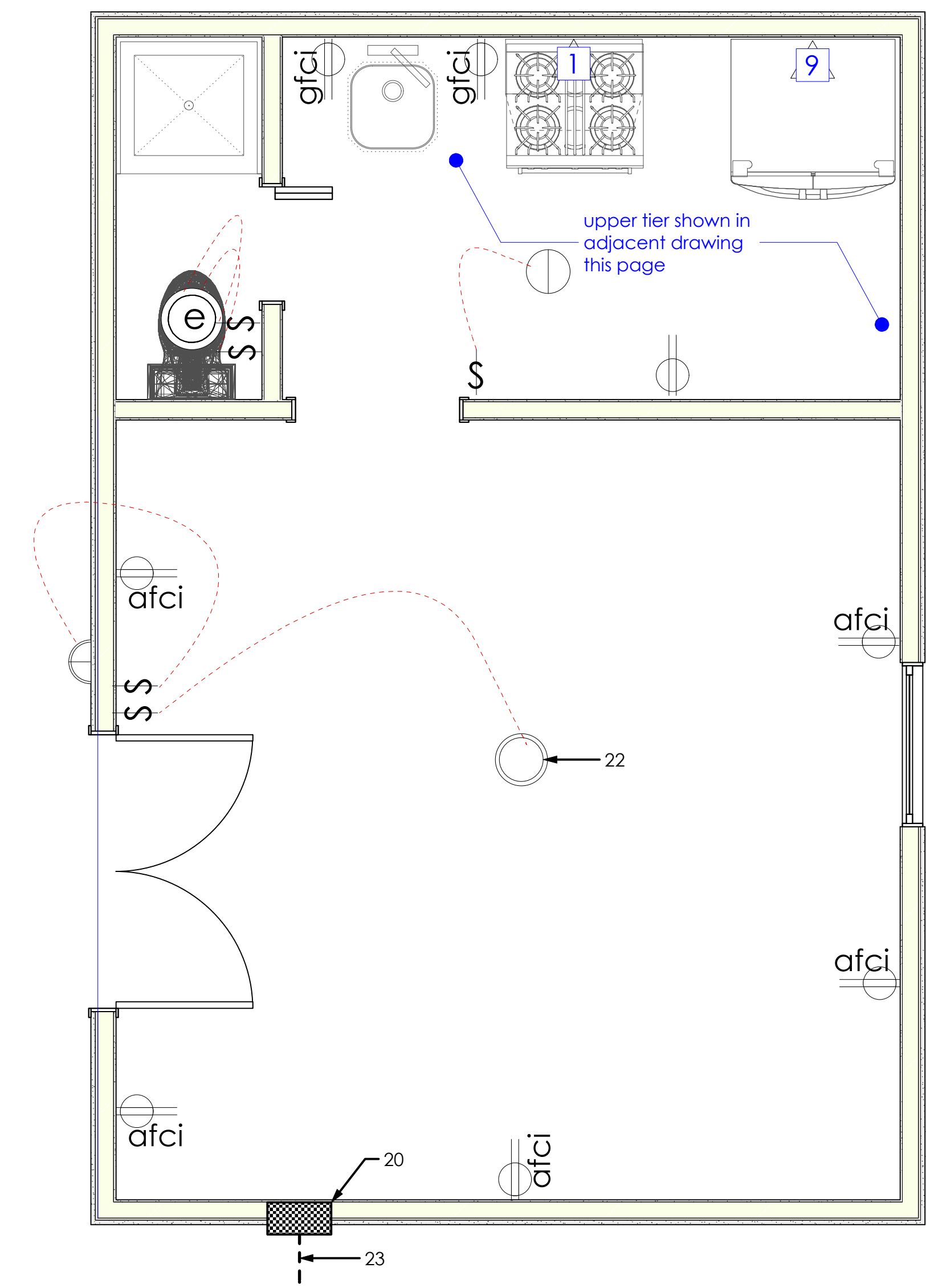
"AS BUILT" - no changes

general notes space plans

- attic access and shall be provided with a permanent electric outlet, and light fixture, and smoke detector
- bathrooms shall have no parts of cord-connected fixtures, hanging fixtures, track lighting, pendants, or ceiling fans located directly above and within 36" horizontally and 96" vertically from its rim [NEC 410-4(d)]
- carbon monoxide device approved by state fire marshal shall be installed in dwelling unit intended for human occupancy having a fossil fuel burning heater or appliance, fireplace, or an attached garage.
- circuits that supply sleeping rooms in dwelling units shall be protected by arc-fault interrupter (AFCI) circuits listed to provide protection for entire circuit; all 125-volt, single-phase, 15- and 20-amp circuits (receptacles, luminaires, and smoke detectors) shall meet this standard per CEC 210-12(B)
- clearance shall be provided for servicing of all panels, disconnects, and service equipment shall be maintained per NEC 110-26
- conductors shall be copper type THHN/THWN for sizes AWG6 and smaller, and type THWN for sizes larger than AWG6 per UL standard 83
- dryers, ovens, ranges, cook-tops, air compressors, and welders require 4-conductor wiring and 4-pole receptacles; the neutral conductor may no longer be used to ground the frame or "J" box of the range, oven, or dryer
- equipment requiring electricity all shall have labels confirming testing by UL, CSA, etc per NEC 110-2
- equipment requiring electricity, newly-installed, shall be suitable for available short-circuit current per NEC 110-9
- extractor (exhaust fan) capable of providing minimum 50cfm shall be installed in each bathroom [CBC 1204.3.1 and CMC Table 4-4]
- incandescent and fluorescent luminaires shall not be controlled by the same switch
- incandescent luminaires recessed into insulated ceilings must be approved for zero-clearance insulation cover (I.C.) by U.L. or other testing lab recognized by I.C.B.O., shall be labeled "Certified Airtight Construction," and must have a sealing gasket or caulking between the housing and ceiling. [CEES section 150(k)(5)]
- lighting and controls shall comply with the 2016 edition of the California electrical code and 2016 Building Energy Efficiency Standards
- luminaires fluorescent are required to be a minimum of 50 lumens per watt.
- luminaires for general lighting in kitchen shall have an efficacy of 50 lumens per watt or greater, shall provide sufficient light intensity for basic kitchen tasks, shall provide a uniform pattern of light, and shall be controlled by the first switch upon entering the room [CEC 150(k)-1]
- luminaires for general lighting in room with shower or bathtub shall have an efficacy of 50 lumens per watt or greater; where more than one luminaire is located in the room, the one with high-efficacy shall be controlled by the first switch upon entering the room [CEC 150(k)-3]
- luminaires in closets less than 70 sqft shall not be required to be high-efficacy
- luminaires installed on the exterior of the building or located within tub and/or shower enclosures must be listed for installation in damp areas [NEC 410-4(a)]
- luminaires permanently-installed in exterior locations where high-efficacy fixtures cannot be provided shall be controlled by an motion-sensor with integral photo-control; REFER TO PLAN
- luminaires permanently-installed in useable spaces other than bathrooms where high-efficacy fixtures cannot be provided shall be controlled by a dimmer switch or shall be controlled by occupant-sensing device(s); such motion sensors shall not have a control that allows lighting to be turned on and off automatically or an override switch that could allow the lighting be always on (REFER TO PLAN) [CEES section 150(k)(4)]
- luminaires used to meet requirements of fluorescent fixtures shall not contain sockets for medium-base incandescent lamps
- raceway (listed) shall be installed to accommodate a dedicated branch circuit for EV charging system; raceway shall not be less than 1" trade size and shall be securely fastened at the main service panel or subpanel and shall terminate in close proximity to the proposed charging system into a listed cabinet, box, or enclosure CGBSC 4.106.8.1.1
- receptacle for built-in microwave oven shall be separate circuit
- receptacle shall be provided within 25' of mechanical equipment, weatherproof, and shall be on the same level
- receptacles above countertops all shall be located not more than, 20" above the countertop [NEC210-2(c)(s)exception]
- receptacles and luminaires in kitchens and bathrooms shall have exact location and height verified for compatibility with cabinets and countertops prior to installation
- receptacles at exterior are to be weatherproof GFCI protected including those installed in overhangs for decorative lighting per 2016 NEC 210-8(A)(3)
- receptacles below countertops all shall be permitted to be mounted not more than 12" below the countertop provided the countertop does not extend more than 6" beyond its support base (section 210-52(c)(5)exception)
- receptacles for general purpose shall be mounted at height min 15" and max 48" to centerline per Federal, State, and Local codes
- receptacles for kitchens countertops including at the end of a peninsula countertop; bathrooms; all outdoor receptacles shall be gfci [NEC 210-8]
- receptacles for small appliances in kitchens shall be supplied by minimum two separate 20-amp circuits
- receptacles in bathrooms of dwelling units shall be minimum 20 amp separate circuit; no other lighting fixtures or outlets are permitted to be placed on the bathroom receptacle circuit; the 20 amp circuit may be shared by more than one bathroom. [NEC 2001 250-60]
- receptacles integrated within countertops shall not be installed in a "face-up" position in work surfaces; receptacle located above counter-tops shall be no more than 20" above the work surface [CEC section 210-52 (C)(5)]
- receptacles located at kitchen, laundry, and bathroom countertops all shall be GFCI-protected per 2001 NEC 210-8(A)(6)
- separate 20-amp circuit is required bathroom receptacles and no luminaires or other receptacles are allowable on this circuit; this 20-amp circuit may be shared by more than one bathroom
- sign for address shall be illuminated and shall be installed so as to be seen from the street prior to final inspection (as req.d)
- smoke detector manufacturer: "First Alert", model number: "SA304" or equivalent and approved by the State Fire Marshall (CBC 310.9.1.3)
- smoke detector provided for the protection of the sleeping rooms is required to be placed min 36" from a.c. vent and min 36" from return air grille and on the kitchen side of return air grille, and must be of the 110-volt direct-wired type with battery backup and interconnect
- support for lighting fixtures shall be per NEC 410-16
- switches are not allowed within 3' of a tub or shower
- switches for general purpose shall be mounted at height min 36" and max 48" to centerline per Federal, State, and Local codes
- wiring exposed from building shell at interior shall be in rigid metallic conduit, EMT, MC, cable, or flexible metallic conduit on last 72" for receptacles and luminaires; or least 18" for motors; at exterior wiring underground shall be in rigid metallic conduit or if semi-rigid non-metallic conduit, underground shall be schedule 40 and above ground minimum schedule 80 [NES article 347]



2 electrical plan upper tier
1/2" = 1'



1 electrical plan lower tier
1/2" = 1'

- LEGEND
electrical symbols
- receptacle simplex
 - switch, single-pole
 - receptacle GFCI
 - receptacle duplex
 - receptacle dedicated for refrigerator
 - receptacle dedicated for range
 - luminaire, wall exterior porch
 - attic receptacle and switched light

space information		
key	name	area (sq ft)

total interior area 438

Designer/Contact Information:

Drawn By:
Revision Date:

NOTES:

Project:
House Skifam

Producer:
electrical system

Date:

Scale:

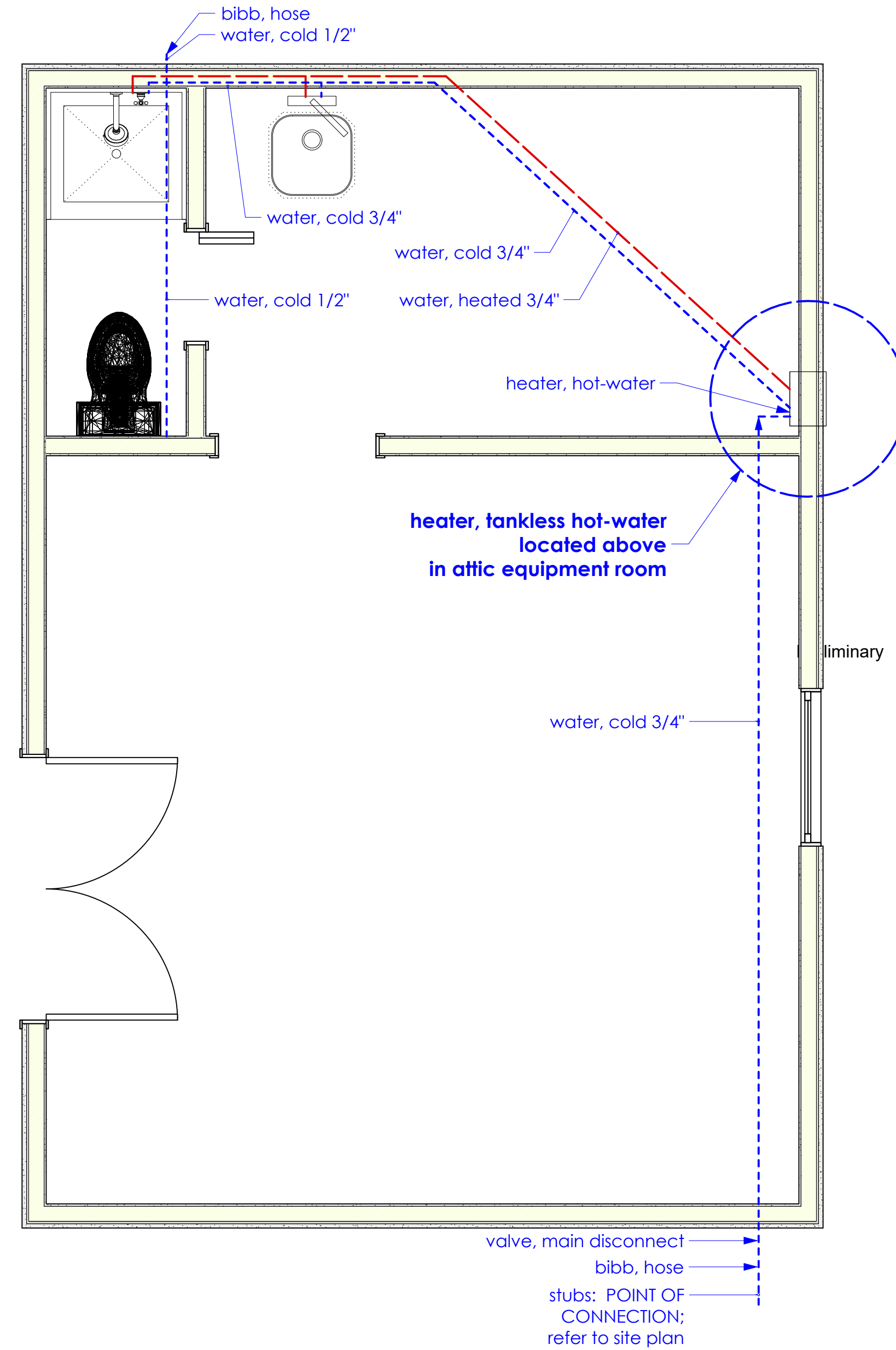
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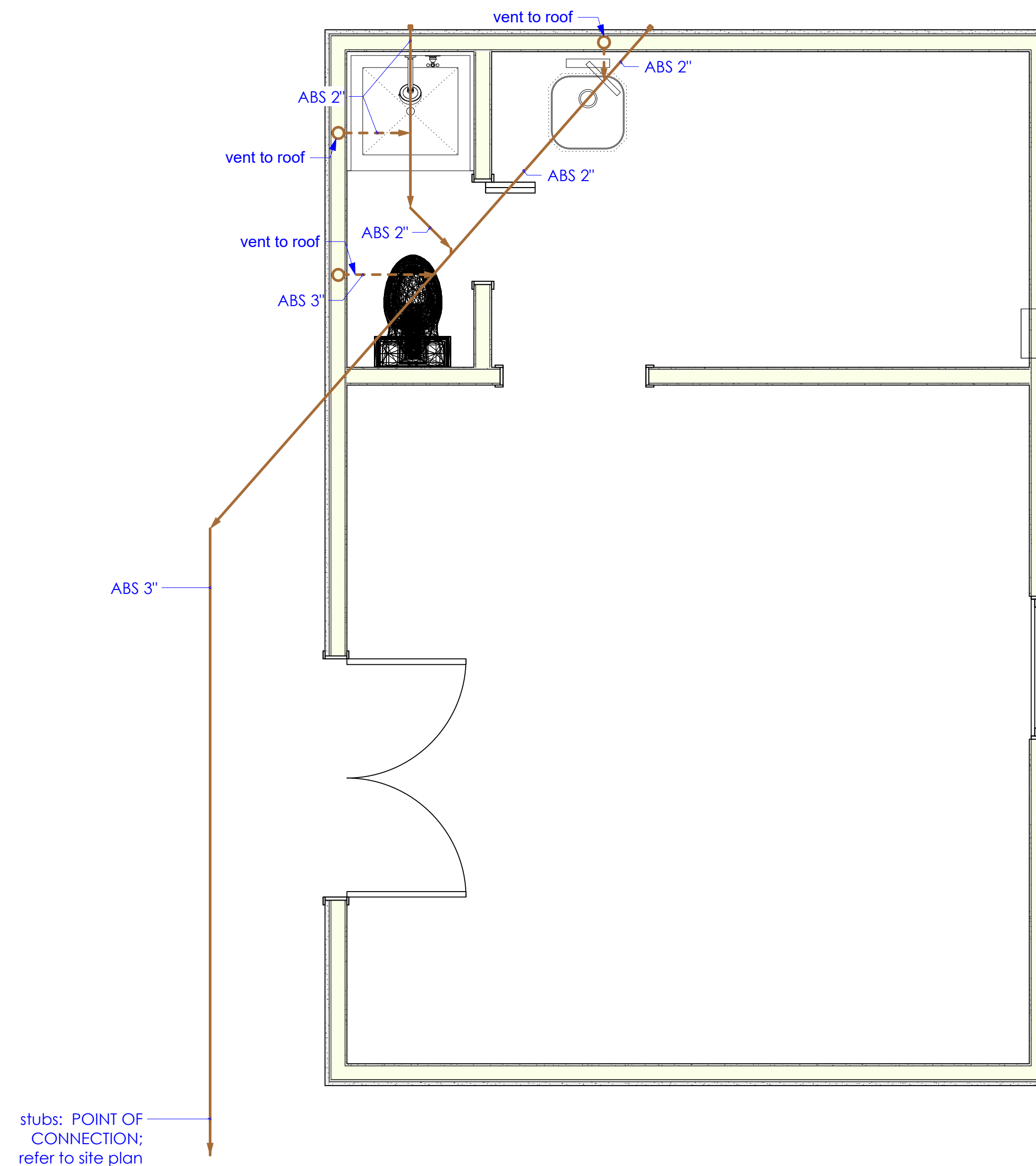
"AS BUILT" - no changes

plumbing plan general notes

- circulating tub installations require manufacturer's installation specifications at job-site for purposes of inspection
- completion of installation for the HVAC equipment and water heating systems shall be immediately followed by the installer posting in a conspicuous location at building site, an "installation certificate (CF-6R)" signed by the installer, listing the equipment installed (manufacturer, model, and efficiencies) and that it meets or exceeds the requirements of the engineering documentation.
- compliance with latest U. P. C. is required for all plumbing work
- condensate drain of full size shall be provided with 3" deepwell trap for all a/c units. route condensate drain as shown on plans.
- controls for tub and shower shall be single-handle pressure-balancing or thermostatic (anti-scald) type
- framed structures for tub or shower shall be rodent-proof with 1" cement mortar covering any openings allowed for roughing-in
- hose bibbs shall be fitted with non-removable backflow device (CPC 603.4.6)
- hvac equipment designed to be in a fixed position shall be securely fastened to the structure
- manufacturer's installation instructions shall be provided at time of inspection
- material and equipment installed under this contract shall be guaranteed free from all mechanical, electrical and workmanship defects for a period of one year from date of final acceptance; the contractor shall be responsible for all damages to the premises cause by leak and/or breaks in pipes and fixture installed under this contract
- pipes in trenches shall be provided with cover of minimum 18"
- pipng for below grade gas, shall be schedule 40 black steel, ASTM A53, pipe shall have protective coating of polyethylene or be of approved PVC.
- pipng for drain, waste, and vent shall be cast iron, with no hub connections or schedule 40 ABS- DWV or schedule 40 PVC- DWV Piping
- pipng for gas shall not be installed in or on the ground under any building or structure; all exposed gas piping shall be maintained 6" above the grade of structure; gas piping installed under concrete is not permitted unless installed in accordance with the standard of the building official; the term "building or structure; the term "building or structure" shall include porches and steps (whether covered or uncovered), breezeways, roofs, porte-cocheres, roofed patios, carports, covered walkways, covered driveways
- pipng for gas within building shell shall be schedule 40 black steel, ASTM A53, or shall comply with [ANSI LC 1b] "fuel gas piping systems using corrugated stainless steel tubing (CSST)"; pipe shall have protective coating of polyethylene or be of approved PVC.
- pipng for hot water supply shall be insulated with 1" or R-4 insulation for pipes less than 2" and 1-1/2" or R-4 for pipes 2" and larger, maximum flame spread of 25, maximum fuel contribution of 50, maximum smoke development of 50 [California T-24 2-5312]
- pipng located in the occupancy separation area or in any other required fire-resistive wall shall be installed with approved sealant
- pipng for water within the building shell shall be galvanized steel, copper, or approved polypropylene such as Wirsbo PEX or Vanguard PEX CPC 101.3
- plumbing vents shall terminate not less than 10' from any outside air intake
- pressure and temperature relief valve, 3/4" in size, shall be provided with a downward-facing threadless end within 6" and 24" of finish grade
- quick-acting valve locations shall be provided with accessible pressure-absorbing device; either air chamber or mechanical device may be selected; typical locations of quick-acting valves (solenoid-operated): i. laundry washer ii. dish washer iii. ice maker iv. re-fill lines concealed within walls or attic v. sprinkler outlets front and rear
- tankless water-heater shall be installed per manufacturer's installation instructions; contractor shall verify clearances from openable windows and eave vents
- work and materials all shall be performed and installed in compliance with the 2007 CPC and all other applicable codes as adopted by the inspection authority; nothing in these plans is to be construed to permit work not conforming to these codes or others applicable to this project
- work shall be done in a neat and workmanlike manner according to the best trade practice by those skilled in the particular trade; pipes, fixtures, equipment, etc., to be installed level, square, or centered, etc., to give a neat and pleasing appearance; all equipment is to be installed strictly per manufacturers' recommendations; coordinate all work with other trades
- pipng passing under or through walls shall be protected from breakage; no piping shall be directly embedded in concrete or masonry; voids around piping passing through concrete floors on the ground shall be sealed CPC 412
- at the time of fill, each fixture shall have a removable tag applied stating:
+This new plumbing system was first filled and flushed on _____ (date) by _____ (name); the State of California requires that the system be flushed after standing at least one week after the fill date specified above. If this system is used earlier than one week after the fill date, the water must be allowed to run for at least two minutes prior to its use for human consumption; this tag must not be removed prior to the completion of the required second flushing, except by the building owner or occupant CPC 604.1.2(1)



1 water-distribution plan LOWER and UPPER TIER
1/2" = 1'



4 liquid waste-distribution plan lower tier only
1/2" = 1'

Designer/Contact Information:

Drawn By:

Revision Date:

NOTES:

Project:
House Skifam

Producer:
plumbing systems

Date:

Scale:

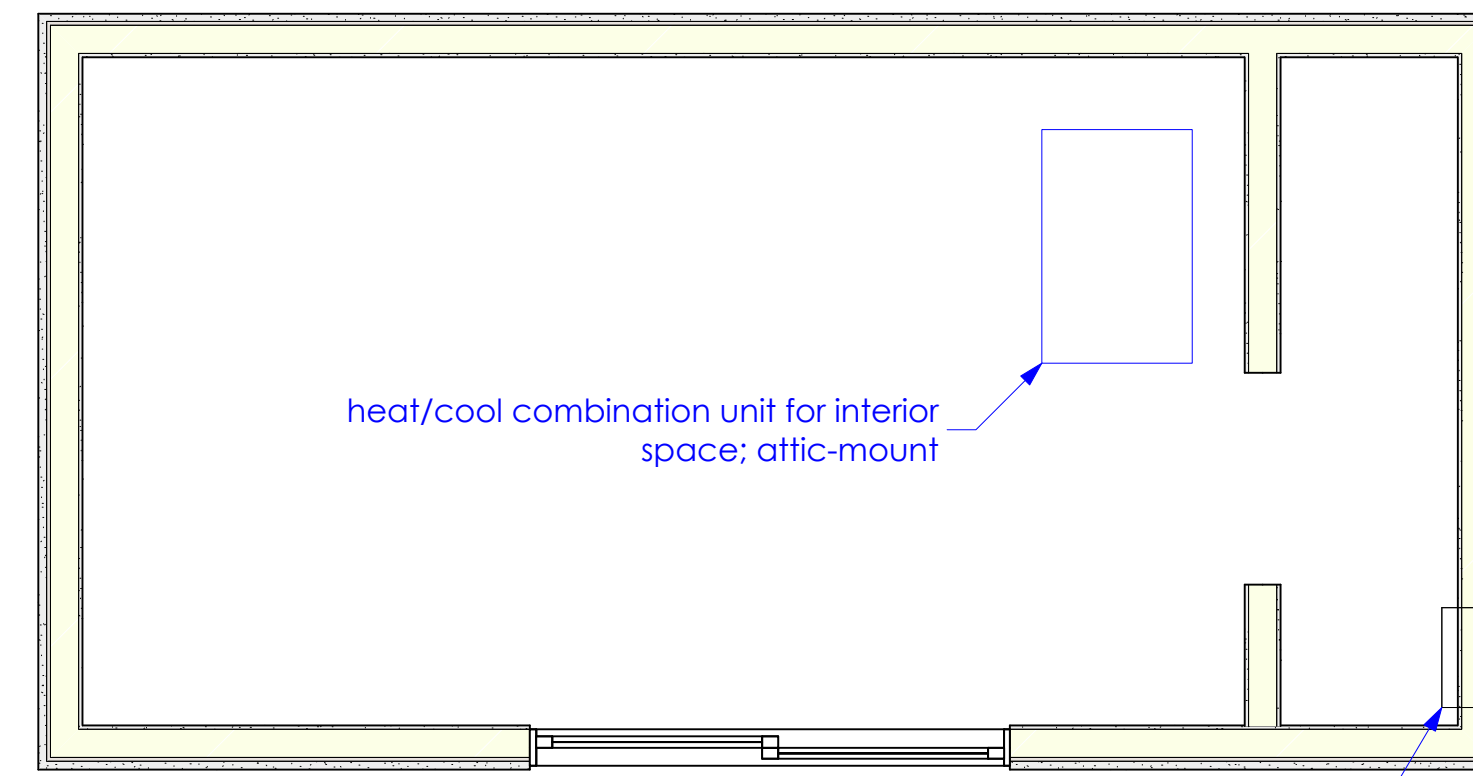
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"AS BUILT" - no changes

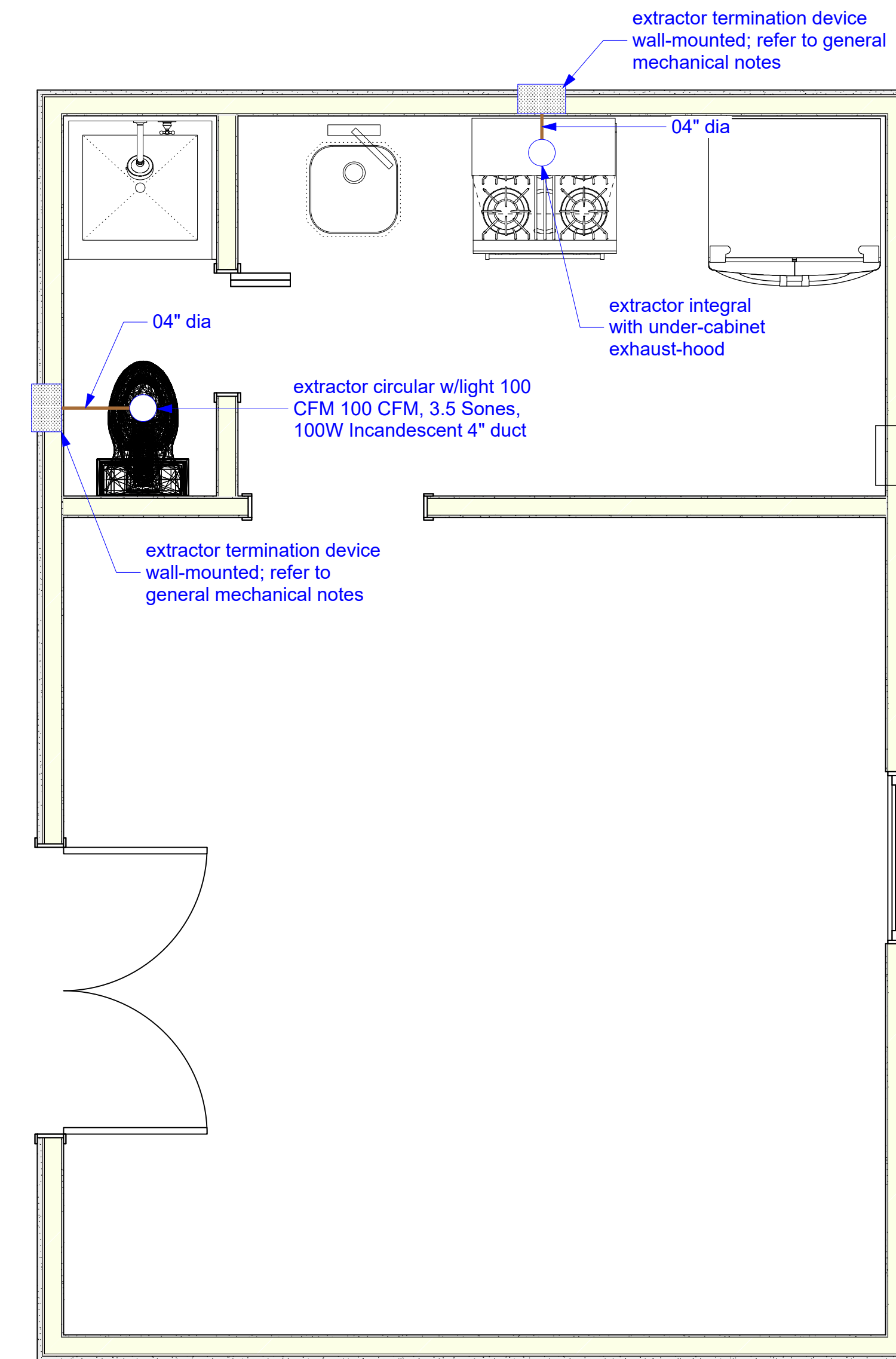
mechanical plan general notes

1. 18" cover minimum shall be provided for all pipes in trenches
2. air extraction fans used in bathrooms shall provide a min. of 8 air changes per hour, vented directly to the exterior, point of discharge of exhaust air at least 5 feet from any mechanical ventilating air intake and 3 feet min from the property.
3. air extractors all shall be rated for continuous duty
4. appliances designed to be fixed in position shall be securely fastened in place to resist seismic forces
5. attics with mechanical equipment installed shall be provided with a portal large enough to allow the largest piece of equipment to be removed; with a minimum of 30"x30"
6. automatic space temperature control device shall be provided minimum one per zone and each separate system shall have the capability of terminating all cooling at a temperature no less than 78°F
7. backdraft dampers shall be incorporated at all exhaust extractors
8. below-grade piping for gas shall be schedule 40 black steel, ASTM A53 pipe shall have protective coating of polyethylene or be of approved PVC.
9. certificate of installation, CF-2R shall be signed and submitted by respective installer of water-heating system, fenestration, and space-conditioning systems; listed will be the equipment, C values, and that these meet or exceed the requirements of energy documentation; registered copies shall be provided when HERS verification is required
10. HVAC equipment completion of installation for the and water heating systems shall be immediately followed by the installer posting in a conspicuous location at building site, an "installation certificate (CF-6R)" signed by the installer, listing the equipment installed (manufacturer, model, and efficiencies) and that it meets or exceeds the requirements of the engineering documentation.
11. defect-free material and equipment installed under this contract shall be guaranteed free for all mechanical, electrical and workmanship for a period of one year from date of final acceptance; the contractor shall be responsible for all damages to the premises cause by leak and/or breaks in pipes and fixture installed under this contract
12. ducts in the attic all shall be insulated per title 34 calcs
13. ductwork all shall be constructed, erected, and tested in accordance with the most restrictive of local regulations and procedures as detailed in the ASHRAE handbook of fundamentals - or - the applicable standards adapted by the Sheetmetal and Air-conditioning Contractors National Association
14. electrical wiring in plenum shall be protected in conduit per NEC
15. exhaust hood shall be provided over the cook stove and shall be vented to the exterior [UMC 504.1]
16. fuel-fired equipment shall be equipped with intermittent ignition devices per § 2-5314c of CEC T24
17. gravity vent from fuel-burning appliance shall terminate not less than 5' above the vent collar of the furnace
18. inlets to air systems shall be located minimum 10' from known sources of contaminated air such as stacks, vents, exhaust hood, vehicle exhaust
19. instructions for installation of fuel-burning appliance shall be provided at job site for inspection
20. kitchen exhaust outlets shall terminate min. 24" above the roof and shall extend min. 10' above the adjoining grade level [CBC 507.1.1]
21. mechanical equipment all shall be listed for the specific use proposed and shall be registered with an approved testing agency
22. mechanical equipment mounted in attic shall be provided with a level working platform min. 30" in depth and min. 48" in height, and shall be provided along the entire firebox side of the equipment
23. passageway to attic-mounted mechanical equipment not exceed 20', shall be unobstructed, and shall have continuous flooring not less than 24" wide from entrance portal to the furnace
24. proper venting and back-draft prevention shall be provided for combustion appliances and air systems
25. sequential control device shall be provided in each space-conditioning zone per §2-5315-A. Temperature control shall meet §2-5313i and to operate heating and cooling sequentially per §2-5315B2
26. space conditioning and water heating equipment all shall be certified by the California Energy Commission and shall comply with §2-5314B of Title 24
27. space conditioning equipment all shall be started and stopped by a daytime time clock; a 6-hour bypass switch shall be provided to allow operation of any unit from normally-scheduled program; a self-contained programmable thermostat may be provided in lieu of the time-clock per owner approval
28. space conditioning equipment all shall have disconnect devices adjacent to and in sight of equipment being served
29. space-conditioning shall provide no less than 2 changes per hour; outside air shall be provided at a minimum of 20% total flow-rate per hour
30. special inspection for field verification shall be provided by a third-party HERS rater for whole-building ventilation air-flow performance.
31. thermostats all shall be of the automatic changeover type to sequence heating and cooling; set-point range shall be up to 10°F
32. thermostats all shall control from 65°F to 85°F



1 water-distribution plan
1/2" = 1'

heater, water "tankless" shall be wall-mounted per manufacturer's instructions; vent to exterior per manufacturer's printed instructions; refer to notes regarding proximity to doors, openable windows, attic vents, and crawl-space vents, air-intake devices; refer to mechanical plan



4 liquid waste-distribution plan
1/2" = 1'

Designer/Contact Information:

Drawn By:

Revision Date:

NOTES:

Project:
House Skifam

Producer:
mechanical systems

Date:

Scale:

Sheet:

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OF
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Pacific Design Studio

*exterior, interior, and landscape design, historic rejuvenation, construction consultation
serving the Eastern Foothills, Central Valley Floor, and the Central Coast since 1980*

March 23, 2019

Jeremy Shaw, planner
Development Service
County of Fresno
2220 Tulare Street, Sixth Floor

Re: Pre-Application Review No. 39414, Assessor's Parcel No. 474-042-11, Violation No. 18-101524

Dear Mr. Shaw:

FINDINGS OF FACT FOR APPLICATION OF VARIANCE

Our firm has been retained by the property owners, Owen J. Werzinski and Julie S. Werzinski. This matter involves an accessory dwelling unit now in use at the subject parcel and that functions adequately for their needs. During 2017 the applicant decided to sell his home and transfer to a larger domicile where he could transfer his growing family. On this basis, he purchased the subject parcel. He chose this parcel because he believed that the primary dwelling unit in conjunction with the secondary dwelling unit together would provide the living interior space that he needed. After the purchase, the applicant received a letter from Fresno County Code Enforcement. The letter informed the owners that the accessory dwelling unit (ADU) must be razed because of

- Improper building permit for the ADU at a time approximately fifty years prior
- Incomplete building inspections during the construction period 1967-1990
- Erroneous placement of the ADU so that a portion of its structure is located within minimum setback area.

The Applicant, unaware of land-use policies, first contacted Fresno County Code Enforcement for a briefing by their informative staff. Next, the applicant contacted our firm to develop a remedy for their situation. It is our intention to seek relief for the Applicant by obtaining allowance for the ADU. The subject parcel is located within the Fresno City Sphere of Influence and this matter is under consideration through appropriate channels within the City Government.

1) Exceptional or extraordinary circumstances:

- a. The lot size is substandard according to provisions of "R-1-AH (nb)" Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay, zone district.

- b. The left (east) side of the primary dwelling is located within the minimum side-yard setback of ten feet. Measurements at adjacent parcels show that the primary dwellings at those parcels are sited correctly relative to setback lines.
- c. The applicant has not received a letter from Fresno County Code Enforcement regarding the primary dwelling and its portion located within the side-yard minimum setback area
- d. Applicant purchased subject parcel because, within socio-economic feasibility, the area of the primary dwelling unit in conjunction with the area of the secondary dwelling unit together would provide the interior living space that he needed. A home of a lesser size would not meet the needs for a family consisting of eight members.
- e. The subject primary dwelling unit contains an area of 2,412 square feet containing 4 bedrooms 2 restrooms.
- f. A pertinent U. S. Census Bureau report demonstrates that the average square-foot area of western single-family dwelling is 2,386 square feet. The area of the primary dwelling is merely 10% larger than this norm.
- g. Another equally pertinent U. S. Census Bureau report shows average household size to be 2.58 members
- h. Fresno County records show a that, in several ways the early development of the subject parcel was aberrant and confusing. For some yet unknown reason or reasons, a peculiar conflict between the early ownership of this parcel and agents of Fresno County has persisted throughout a period exceeding fifty years. It appears as though a struggle or discord has plagued the County staff and owners of the parcel.**

2) Variance would open a pathway to normalized state of life

- a. The applicant and his family have had no involvement in imagining, planning, constructing, or perpetuating the subject secondary dwelling.
- b. The applicant acquired the subject parcel because the capacity of its two dwellings would:
 - i. be proportionately larger than their out-growing prior home
 - ii. provide efficient access to their schools and institutions
 - iii. be attainable within their financial parameters
- c. Improvements to the ADU would afford the applicant an opportunity to cure the worrisome ongoing hardship of conflict with Fresno County Code Enforcement.
- d. Through the sacrifice and goodwill of remediating the ADU, the applicant and family could engage in a positive endeavor, could honor their investment in their domicile, and could enjoy their right to resume life according to their optimal plan
- e. The ADU "as is" provides a suitable environment for habitation that is enjoyed by families at neighboring residential parcels. Its present physical state can be accurately characterized by the following facts:
 - i. Electrical systems perform adequately
 - ii. Water-supply systems perform adequately
 - iii. Liquid-waste systems perform adequately
 - iv. There is no evidence of wood-destroying pests
 - v. There is no evidence of mold or dry-rot
 - vi. There is no evidence of failure in the concrete foundation
 - vii. Sanitary fixtures are operable and appear in good condition

- viii. Doors and their jambs appear in good condition and operate conveniently
 - ix. Interior lath, plaster, and paint appear to be in good condition
 - x. There is no evidence of failure in the conventionally wood-framed building shell – the i.e. walls and the ceiling/roof structures are intact and stable.
 - xi. There is no evidence of rain-water penetration or any water penetration from landscape irrigation
 - xii. There is no evidence of flood-water infiltration at any bearing walls or at the single doorway
- f. The above conditions are accessible to the applicant and his family because the subject parcel was listed on the real-estate market, just as adjacent parcels were listed prior to acquisition by their current owners.
- g. The applicant purchased the subject parcel for practical and aesthetic reasons as did the owners of adjacent parcels. The applicant seeks a basic home life as do the owners and families of adjacent parcels.

3) Material detriment to public welfare and injury to properties and improvements in the vicinity are not apparent

- a. During normal, day-to-day circumstances, the ADU was not and will not be a workshop where activity could involve automobiles, construction materials, furniture, or other large apparatus. The activity in and around this ADU would not be dynamic such as a those which are intuitively associated with a cottage enterprise. Day-to-day activities associated with this ADU will be very similar to and logical extensions of the activities that have been transpiring during present and prior time. They are domestic activities that are consistent with the activities at surrounding dwellings in the vicinity of subject parcel. Family members who currently reside in the ADU are the eldest of the six children and are attending local colleges. As they advance toward increasing levels of independence from the family home, successor eldest children naturally would transfer to reside in the ADU.
- b. The ADU is designed and utilized as a simple domestic shelter where most sound is created by ordinary human discussion, housekeeping and gardening routines and entertainment media such as television, radio, or computer.
- c. The ADU was not designed or constructed as a rehearsal or recording studio where levels of sound could occasionally surpass those of ordinary family life. Day-to-day sound levels arising from the ADU will be very similar to levels of sound that have been arising during present and prior time. And these levels of sound are similar to those arising at neighboring domiciles.
- d. Based upon the simple activities of a nuclear family where all six children are students, no objects or structures will broaden or otherwise increase the appearance of the ADU to neighboring residents or their guests. Recreational equipment such as an above-ground pool, a swing-set, a basketball set, or a trampoline are activated seasonally in the rear yard however such items are noticeable in back-yards of other parcels in the surrounding neighborhood
- e. The subject ADU is not an office or salon where exterior features or furnishings such as signs, statues, or customer parking accommodations, could visually or materially expand the appearance of the ADU to persons in the public space.

- f. As a residential structure, the subject ADU possesses no condition in violation of egress requirements. The singular sitting/sleeping space is fitted with one set of bi-parting swing doors whose width and height are of common dimensions: 5'-0" wide x 6'-8." This installation exceeds minimum egress or rescue
- g. Records show that the subject ADU was constructed approximately 50 years ago.
- h. This ADU is a dwelling unit for the security and activities of ordinary family life. Residents at other dwellings in the vicinity are already acquainted with and accustomed to the lifestyle of the applicant and members of his family.

PROPOSAL FOR ADU

- **MITIGATE** deficiencies of ADU by means consistent with conventional real-estate transactions
 - Order a CERTIFIABLE home Inspection with Report **and** RECTIFY in accordance with the Report
 - Establish a remodeling program
 - Pacific Design Studio has prepared a set of construction plans for remodeling the ADU involving various improvements to the structure
 - Alteration of roof structure to harmonize those appearing on the primary dwelling unit
 - Roof gutters and piping will be installed in order to divert rainwater away from property lines
 - Fenestration will be upgraded to meet current energy standards
 - the existing through-wall air-conditioner at the west side of the ADU (also located in side-yard setback area) will be relocated to another less conspicuous perimeter wall in order to eliminate unnecessary sound which could create a disturbance to the neighbor across the west property line.
 - Exterior color coatings of both the primary and secondary dwellings will be revised in order to further unify the ADU with the primary dwelling unit
 - Implement repairs to existing fencing along all three shared property lines
 - Install and establish new landscape elements to provide screening, shade, fragrance, edibles, and visual amelioration to subject parcel and in consideration of adjacent parcels. These improvements will affect street elevation and rear yard alike.

4) Fresno County General Plan

- a. area of the ADU that is NOT located in the minimum setback area is (330-258 =) **87** square feet. Fresno County ordinance allows ADU structures up to 120 square feet without the need for building plan check, building permit, or inspections. If the costly and disturbing option of demolition was selected, a less substantial and useful structure could be created in its place
- b. Alternate razing of the ADU, an option that Fresno County agencies have sought, would involve the destruction of a substantial habitat
- c. Alternate razing of the ADU, an option that Fresno County agencies have sought, would involve placing currently-functional building materials into land-fill facilities

- d. Alternate razing of the ADU, an option that Fresno County agencies have sought, would involve the operation of noisy and/or heavy demolition equipment at the location of the subject parcel
- e. Alternate razing of the ADU, an option that Fresno County agencies have sought, would involve the transportation of tons of demolished building components on public roads which is costly and dangerous
- f. Alternate razing of the ADU, an option that Fresno County agencies have sought, would involve the need for dust control at the location of the subject parcel; and this would involve the spraying of water. Contemporary ecological thought is to discourage such unnatural uses of water resources.
- g. Alternate razing of the ADU, an option that Fresno County agencies have sought, could involve disturbance of hazardous building materials which would necessitate the need for costly abatement, monitoring, testing, and clearance.

It is commonly known that a county general plan must include the vision, goals, and objectives of the County in terms of planning and development. After a careful examination of public record, a disinterested analysis would reveal that:

- The previous ownership of the subject parcel AS WELL AS
- The previous auspices of Fresno County

had somehow, or for some reason, lost their way in the proceedings of this matter. No act or omission on behalf of the current ownership amounts an enactment of malfeasance or ego. This matter could easily escalate and further encumber Fresno County with punitive and draconian activities and the attendant fiscal impacts to create, effectually, nothing. This matter could easily escalate and expose the ownership to fees and diminished quality of life that would exasperate the hardship underling this application. Instead, the option of variance, a useful instrument in governance, could be reasonably applied. The process of this application would create revenues through the fee for the Variance and additionally through fees for building permits and inspections. Vicinity property value would be enhanced, the neighborhood would be well-served, the applicant and his family could return to peace and dignity as members of Fresno community.